

COUNCIL ASSESSMENT REPORT

Panel Reference	2019WCI036
DA Number	DA19/0348
LGA	Penrith City Council
Proposed Development	Four Storey Mixed Use Development Comprising Commercial Premises and Shop Top Housing with Basement and Ground Floor Car Parking and 147 Residential Apartments, a Major Retailer and Child Care Centre for 112 Children
Street Address	90-98 Glenmore Ridge Drive, Glenmore Park
Applicant/Owner	Think Planners on behalf of owner, Mintus Properties Pty Ltd
Date of DA lodgement	24 May 2019
Number of Submissions	13 including 2 re-submissions as a result of renotification
Recommendation	Deferred Commencement
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Development with a Capital Investment Value (CIV) greater than \$30 million (\$46,944,684.00)
List of all relevant s4.15(1)(a) matters	<p>Environmental Planning Instruments (EPI)</p> <ul style="list-style-type: none"> • Penrith Local Environmental Plan 2010 • Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) • State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 64 Advertising and Signage • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 • State Environmental Planning Policy No. 55 - Remediation of land • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • State Environmental Planning Policy (State and Regional Development) 2011 <p>Draft EPIs</p> <ul style="list-style-type: none"> • Draft Environmental State Environmental Planning Policy • Draft Remediation of Land State Environmental Planning Policy • Planning Proposal – Phase 1 Review of Penrith LEP 2010 <p>Development Control Plan</p> <ul style="list-style-type: none"> • Penrith Development Control Plan 2014 • relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 • coastal zone management plan • relevant regulations e.g. Regs 92, 93, 94, 94A, 288
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Appendix A – Architectural Plans • Appendix AA – Additional Architectural Plans – Large Section • Appendix B – Amended Clause 4.6 Think Planners • Appendix C – Green Wall Letter, dated 9 July 2020 • Appendix D – Landscape Plans – Taylor Brammer • Appendix E – Public Domain Landscape Concept Plans – Taylor Brammer • Appendix F – Noise Impact Assessment, dated June 2020 • Appendix G – Traffic Report, dated 12 June 2020 • Appendix H – Signage Strategy • Appendix I – Amended BASIX • Appendix J – RFS GTAs, dated 27 June 2019 • Appendix K – TfNSW Response Letters, dated July 2019 and May 2020 • Appendix L – Construction Staging Letter • Appendix M – Fire Hydrant Location Confirmation Letter • Appendix N – Revised Waste Management Plan • Appendix O – Council's Urban Design Review, dated 26 May 2020

	<ul style="list-style-type: none"> Appendix P – Council’s Urban Design Review, dated 19 August 2019
Clause 4.6 requests	<ul style="list-style-type: none"> The Local Environmental Plan the clause 4.6 application relates to is PLEP 2010. The development standard the clause 4.6 application relates to is 4.3 Height of Buildings and Clause 7.16 Glenmore Park Stage 2 (Height). The zone the clause 4.6 relates to is B2 Local Centre under PLEP 2010
Summary of key submissions	<ul style="list-style-type: none"> Traffic, parking and loading dock concerns Overdevelopment Hours of operation Noise and privacy Overshadowing Impacts on character and low-density lifestyle Social and economic impacts Safety impacts (traffic, children, pedestrians)
Report prepared by	Kathryn Saunders – Senior Development Assessment Planner
Report date	Monday 3 August 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council’s recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

SWCPP Ref. No.:	2019WCI036
DA No.:	DA19/0348
PROPOSED DEVELOPMENT:	Construction of 4 Storey Mixed Use Development including 1 Level of Basement Parking, Commercial Tenancies to Establish New Town Centre, Loft with Mezzanine, Child Care Centre for 112 Children & 3 Upper Residential Levels Containing 147 Apartments - Lot 1700 DP 1166371,90 - 98 Glenmore Ridge Drive, GLENMORE PARK NSW 2745
APPLICANT:	Cd Architects
REPORT BY:	Kathryn Saunders, Senior Development Assessment Planner, Penrith City Council

Assessment Report

Executive Summary

Council is in receipt of a development application for a 4 storey mixed use development including shopping village and shop top housing at 90-98 Glenmore Ridge Drive, Glenmore Park. Under Penrith Local Environmental Plan 2010 the proposal is defined as commercial premises (which includes retail premises) and shop top housing, and is permissible in the B2 Local Centre zone with consent.

The applicant attended a pre-lodgement meeting (PL18/0053) in July 2019. Matters raised in the pre-lodgement meeting are resolved through design changes, the provision of additional information or through the recommended conditions of consent.

Key issues identified for the proposed development and site include:

- Impacts of Staging on safety, traffic and parking,
- Noise and acoustic impacts,
- Apartment design and amenity,
- Traffic and impacts from the location of the loading dock,
- Car parking availability,
- Impacts of proposed hours of operation,
- Signage suitability and related impacts,
- Treatment of the public domain, awnings, street lighting and street trees, and
- Impacts of stormwater design on landscaping.

The development application was notified to nearby and adjoining residents and was exhibited and advertised between 7 June and 21 June 2019. Amended plans were notified to nearby and adjoining residents, exhibited between 19 March and 2 April 2020. A total of 13 submissions were received (with 2 being re-submissions resulting from the re-notification of amended plans). A range of issues were raised which relate largely to traffic, parking and the location and impact of the loading dock on residents in Darug Avenue, although also include matters related to amenity, local character, bush fire impacts, noise, privacy, overshadowing, social and economic impacts, impacts on health, and construction and geotechnical considerations.

The applicant attended a Pre Lodgement meeting and the proposal has been reviewed several times by Council's Urban Design Review Panel and is supported in this regard.

The application is integrated with the Rural Fire Service and was referred for their concurrence, which has been received with no conditions. The application was also referred to Transport for New South Wales (TfNSW) as the proposal is identified as traffic generating development, with no objections raised.

This application is to be determined by the Sydney Western City Planning Panel as the application has a Capital Investment Value (CIV) of greater than \$30 million.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for Deferred Commencement approval, subject to recommended conditions. The Deferred Commencement conditions relate to design matters, removal of the car wash and signage components, staging, basement car parking and traffic and engineering matters.

Site & Surrounds

The subject site is located at 90-98 Glenmore Ridge Drive, Glenmore Park and is also known as Lot 1700 in DP 1166371. The site is generally rectangular in shape with a site area of 2.111 hectares, and is currently a grassed vacant allotment identified for future development as a town centre within the Penrith Development Control Plan 2014.

The site is within a housing estate known as Glenmore Park Stage 2 to which several Planning Agreements apply. The site is gently sloped by approximately 2m from south-west (RL 59.48m) to north east (RL of 56.92).

The site has a frontage of approximately 127.51m to Glenmore Ridge Drive to the north, a frontage of approximately 127.96m to Glenholme Drive to the east, a frontage of approximately 172.71m to Deerubbin Drive to the south, and a frontage of approximately 120.45m to Darug Drive to the west. Splays to the intersections are provided to each corner of the allotment which is bounded by the various constructed roadways complete with verge street tree plantings, 1.5m wide paving and kerb and guttering.

Low density residential dwellings are located on the western side of Darug Drive to the west and on the northern side of Glenmore Ridge Drive to the north. The site to the immediate south, on the southern side of Deerubbin Drive is currently vacant and is reserved for a future school.

Low density residential dwellings are located on the eastern side of Glenholme Drive to the east of the site. At the southern end of Glenholme Drive to is a 4 storey mixed use development with cafe and access to the nearby sports fields known as Mulgoa Rise Fields, located at the eastern end of Deerubbin Drive.

Surveyors Creek and reserve are located further to the east. A bus stop is located near the corner of Glenmore Ridge Drive and Bluestone Drive approximately 140m west of the intersection of Glenmore Ridge Drive and Darug Avenue. A bus stop is also located 47m south of the intersection of Deerubbin Drive and Darug Avenue.

The site is identified as being bush fire prone.

Proposal

The proposed development is for the staged construction of a four storey mixed use shopping village known as Glenmore Village at 90-98 Glenmore Ridge Drive, Glenmore Park. The proposal includes a variety of ground floor and mezzanine, retail and commercial tenancies, three storeys of upper level residential units containing 147 apartments with podium communal open space, and a mixture of basement and at-grade car parking, including an at-grade display suite which will be converted into a car wash/cafe.

A shared loading dock area is proposed with access from Darug Avenue along the site's western side. Access to the basement parking for the residents of the upper level units is proposed from Deerubbin Drive to the south, and access to the public basement car parking servicing the shopping centre, is via Glenmore Ridge Drive and from Glenholm Drive with access to the basement via a ramp accessed through the at-grade car parking. A lift and twin travelators are also provided for access to the basement retail parking for shoppers.

The development is proposed to include a major retailer, a medical centre, a childcare centre, a swim school, a gym, a discounter, a chemist, cafes and small kiosks, retail and commercial opportunities and includes four main pedestrian through links into the centre, one from each street frontage. One mezzanine commercial space is proposed with access from a ground floor commercial lobby. Six street level residential access lobbies with lifts are provided for the upper level residential tenants which also provide secure access to the basement parking.

Two at-grade entry/exit points are provided to the surface car park, one from Glenmore Ridge Drive, and the other

from Glenholme Drive. A total of 206 at grade parking spaces are proposed and an additional 4 are proposed as drying bays for the car wash facility. In addition, a total of 110 retail car parking spaces are provided in the basement with separated access. A total of 191 basement residential car parking spaces are provided as well as 3 service vehicle spaces and 3 car wash spaces. The total number of car parking spaces proposed is 507 inclusive of 3 residential car wash spaces.

As part of the proposed retail development at ground floor, approval is also sought for the use and fit-out of:

- A 1500sqm major retail tenant, being Woolworths, within Block A, and
- A 660sqm child care centre catering for 112 children (ages 0-5), within Block C,

A total of 147 residential apartments (9 x 1 bed, 124 x 2 bed and 14 x 3 bed) are proposed. Podium communal open space is provided at level one. The common open space area faces north and north-east and includes grassed and landscaped areas, paved areas, barbeque and seating areas and a communal veggie garden.

A total of 32 commercial and retail tenancies are proposed, having a combined floor area of 7262sqm. The use of each retail or commercial tenancy (with the exception of the major retailer and the child care centre) will be subject to a future development application or compliance certificate as the case may be.

The development is to be constructed in five stages as follows:

Stage 1

Construction of a sales and display suite and an ancillary cafe with associated landscaping and stormwater drainage at the corner of Glenholme Drive and Glenmore Ridge Drive.

Stage 2

Construction of basement and Block A, B and C ground level commercial and retail, retail promenade and public domain areas, awnings and roof over (first floor slab), at-grade car parking, landscaping and stormwater works and installation of commercial signage. The display suite and cafe will be converted into a car wash and cafe.

Stages 3, 4 and 5

Blocks A, B and C residential apartments respectively.

Relevant Application History

Pre-Lodgement Meeting

PL18/0053 - The applicant attended a pre-lodgement meeting in July 2019. Matters raised included a request for an analysis demonstrating how the design responds to the site's context and a retail impact assessment. It was also noted that the loading dock will likely result in negative impacts in terms of traffic movements and acoustic impacts on nearby residents, as it will facilitate all deliveries and waste collection for the development. It was raised that deep soil was to be provided in the area of the dock to provide a buffer to the street. A plan of management for the delivery/loading dock was requested and acoustic were to be addressed.

It was also raised that the the applicant re-consider the location of a play area outside the liquor store and that the liquor store is inappropriate along the frontage of the site, opposite residential dwellings on social grounds. The proposal for three electrical substations was not supported. The proposed late night hours of operation generally, and noise from the gym and child care centre were raised, as they would likely impact the amenity of existing residents.

Other technical matters were raised in relation to civil works, stormwater, water sensitive urban design and traffic circulation and standards. Noting also that the applicant was requested to ensure that any departure from the DCP parking rates, would need to demonstrate through the submission of a traffic and parking study, that there would be no negative impacts on traffic and parking in the site's vicinity.

Matters raised Council pre-lodgement advice letter have largely been addressed through the submission of amendments and additional information or are addressed through the recommended conditions of consent with the exception of the following:

- (a) the location of the liquor store and child's play area - which have not been altered. The liquor store presents to the street front opposite residential dwellings and is close to the children's play area within the pedestrian through arcade.
- (b) the impact of the proposed car parking shortfall on the availability of on-street spaces - Council's Traffic Engineers are not satisfied by the applicant's traffic report and by the calculation rates provided, particularly given the heavy reliance on private vehicles for transport in the Glenmore Park Estate, and the limited availability of nearby public transport options.

With regard to the above matters, and as detailed in this report, Council is recommending that 97 additional basement car parking spaces be provided, and that the liquor store be relocated so that it does not front the surrounding streets.

Urban Design Review Panel Meetings

UDRP18/0015 and UDRP18/0015.01 - The applicant attended two Urban Design Review Panel Meetings (UDRP), the second of which was held 15 October 2018. The following summarised matters were raised:

(a) The arrangement of the access points indicates a contextual analysis has been undertaken, the development positively addresses the design quality principles subject to the following amendments:

- Re-orientate lobby access for residential units. Access to be internalised from the promenade to maximise pass by trade and passive surveillance.
- Location of the loading dock is problematic and will be a critical issue. Information will be required to address noise, manoeuvring and management measures to mitigate the potential adverse impacts.
- The car parking calculations have omitted to consider DCP requirements before relying on RMS rates
- The provision of tree planting is critical refer Council's 'Cooling the city strategy'. The location of deep soil zone tree / canopy planting opportunities to be maximised. Proposed tree plantings with canopy protrusion through the first floor slab must have sufficient openings to provide solar access coupled with deep soil pockets to the basement. 2m wide landscape beds are required min. at 10 space intervals.
- Block A results in separation issues which do not meet ADG requirements. Greater separation and balcony screening measures must be provided.
- Greater sight lines are required around basement driveways to manage potential pedestrian and vehicular conflicts.
- Solar access (1m x 1m intrusion) and cross ventilation to be demonstrated.

The above matters have been addressed with the exception of compliance with ADG solar access and separation distance requirements. Matters related to the loading dock are addressed through the submitted noise assessment report and recommended conditions of consent which require added articulating materials. It is noted that the deep soil landscape setback is increased to 3m adjacent to the loading dock, in addition to verge street tree planting.

The applicant maintains a car parking shortfall when assessed against the Penrith DCP parking rates, noting that basement car parking has been increased since lodgement although a shortfall remains. Council's Traffic engineers have requested an additional 97 basement car parking spaces to accommodate the expected traffic resultant from the scale of the retailing. A condition of consent is recommended in this regard.

Amendments to the proposal undertaken through the assessment of the application were reviewed by Council's Urban Design Panel member an additional two times and the following is further noted:

Detailing of Facades - It is raised that off-form concrete construction can result in low quality outcomes if not undertaken to specifications directing quality finishes. The advice extensively details the recommendations for formwork specifications and architectural detailing (UDRP Report, Point 15 (i) - (iv) of Appendix O attached to this report). To ensure a quality outcome the recommendations of Council's urban designer are included in the Deferred Commencement Conditions set.

Basement Storage and Travelator - Surveillance and security issues remain in regard to the storage. Conditions of consent are recommended to address CPTED issues. The circulation space at the base of the travelator to the basement forces users to emerge into the car park aisle with insufficient warning and the area must be redesigned. This is seen as a critical circulation and safety issue and as such a condition requiring a redesign of this area is recommended to be included in the Deferred Commencement conditions set.

Car Wash - Potential to add modest positive activity to prominent corner, architectural design does not match main building and do not yet sufficiently reflect design qualities of the main retail podium, design solutions include; incline end walls to match colonnade elements, blank walls to be disguised by projecting blades, screens or tapering, the roof and awnings to be 'vertically layered' and supporting elements to be 'heavy weight' masonry and slender pipe columns, and centre signage to be mounted on backing panel.

It is not assessed that the car wash design addresses the matters in relation to design quality, notwithstanding the matters raised elsewhere in this report which relate to traffic, noise and amenity impacts of the selected location for the car wash. It is recommended that the car wash be deleted from the plans.

General - Block A corridor is long and would benefit from creating smaller 'residential territories' that are more likely to encourage social interaction between residents. Refer to discussion under SEPP 65. Recommendations include to increase separation distances for Block A to achieve ADG compliance, opportunities exist in this reconfiguration to provide for internalised 'residential territories' supporting social interactions.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Vegetation in non-rural areas) 2017
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 64—Advertising and Signage
- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

- **Section 2.12 – Sydney Western City Planning Panel (SWCPP)**

The application has been assessed in accordance with Section 2.12 of the Environmental Planning and Assessment Act 1979, and the application will be determined by the Sydney Western City Planning Panel as it has a Capital Investment Value of \$20 million or greater. The identified Capital Investment Value for the development is \$49,000,000.

- **Section 4.14 - Bushfire prone land assessment**

The development has been assessed in accordance with the matters for consideration under Section 4.14 (Consultation and development consent—certain bush fire prone land) of the Environmental Planning and Assessment Act 1979 (the Act), and having regard to those matters, the following points are made:

- Council is satisfied that the development conforms to the applicable specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service (RFS), as may be amended, in satisfaction of Section 4.14(1)(a), and
- the application was referred to the RFS who have raised no objection to the proposed development and have confirmed in letter dated 27 June 2019, that General Terms of Approval, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and Bush Fire Safety Authority, under Section 100B of the Rural Fires Act 1997, are issued without any specific conditions.

The development proposal is considered to be acceptable having regard to this section of the Act.

- **Section 4.15 - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration.

- **Section 4.46 - Integrated development**

The development has been assessed in accordance with the integrated development provisions under Section 4.46 of the Environmental Planning and Assessment Act 1979. In this regard, the application was referred to the RFS who have raised no objection to the proposed development and have confirmed in letter dated 27 June 2019, that General Terms of Approval, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and Bush Fire Safety Authority, under Section 100B of the Rural Fires Act 1997, are issued without any specific conditions.

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

This Policy ensures the implementation of the BASIX Scheme that encourages sustainable residential development. It requires certain kinds of residential development to be accompanied by a list of commitments to be carried out by proponents. This application is subject to these requirements as it involves the construction of a mixed use development which includes 147 residential apartments.

BASIX Certificate No. 983460M, issued Monday, 13 May 2019, was submitted with the development application and demonstrates compliance with the set sustainability targets for water and energy efficiency, and thermal comfort and in this respect the proposal is satisfactory having regard to the Policy.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 [SEPP Education], applies to the application as the development includes a proposal for a Centre Based Child Care facility for 112 children comprising of:

- 32 x 0-2 year old children,
- 30 x 2-3 year old children, and
- 50 x 3- 5 year old children.

The child care centre will be located on the ground floor of the mixed use development, near the intersection of Deerubbin Drive and Glenholme Drive, and will be accessed via a pedestrian entry located along the northern elevation and via the at grade car park. Eleven car parking spaces fronting the child care centre are proposed to be line-marked so as to be reserved for the use of the child care customers only, during the operational hours of the centre. The spaces will be available for general use outside of these hours and on weekends and public holidays.

The proposed hours of operation of the child care centre are proposed to be 7.00am to 6.00pm Monday to Friday.

The proposed child care centre is defined by the Policy as a centre-based child care facility which means *“a building or place used for the education and care of children that provides any one or more of the following—*

- (i) long day care,*
- (ii) occasional child care,*
- (iii) out-of-school-hours care (including vacation care),*
- (iv) preschool care, or*
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW))...”*

Centre-based child care facility is a permissible land use in the B2 Local Centre zone under the Penrith Local Environmental Plan 2010.

An assessment has been undertaken of the development having regard to the Policy and the associated Education and Care Services National Regulations and details of the assessment are provided in the table below.

SEPP Education

Clause	Proposal	Discussion	Complies
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3 Aims of Policy	New Centre Based Childcare for 112 Children to minimum standards required.	n/a	Yes, subject to conditions.
5 Interpretation	The child care centre component of the mixed use development is defined as a Centre-based child care facility under the Policy.	Centre-based child care facility is a permissible land use in the B2 Local Centre zone under PLEP	Yes.
22 Centre-based child care facility – concurrence of Regulatory Authority required for certain development	Complies.	Nil.	Yes.
<p>This clause applies to development where the building does not comply with regulation 107 and 108 which relate to minimum indoor and outdoor unencumbered space requirements.</p> <p>Education and Care Services National Regulations</p>			
107 space requirements – indoor space ...for each child being educated and cared for by the service, the education and care service premises has at least 3.25sqm of unencumbered indoor space.	Complies.	Nil.	Yes.
The consent authority must not grant development consent to development to which this clause (clause 22) applies except with the concurrence of the Regulatory Authority.	Refer to assessment against the <i>Child Care Planning Guideline</i> provided below	Nil.	Yes.

<p>25 Centre-based child care facility – non-discretionary development standards</p> <p>(a) Location</p> <p>(b) indoor and outdoor space</p> <p>(c) Site area and site dimensions</p> <p>(d) Colour of building materials or shade structures</p>	<p>Refer to discussion.</p>	<p>The site is located near by to other centre-based child care uses. The indoor and outdoor spaces are compliant with Regulation 106 and 107. The site area and dimensions proposed are not in conflict with Council requirements and the colour, materials or shade structures are not in dispute by Council. The application was referred to TfNSW</p> <p>No objections were raised, noting that matters were raised for the consideration of Council. Refer to discussion under SEPP Infrastructure.</p> <p>The proposal is considered to be satisfactory subject to the recommended conditions related to additional car parking spaces.</p>	<p>Yes.</p> <p>Yes.</p>
<p>26 Centre-based child care facility-development control plans</p> <p>Before determining a development application for development to which this clause applies, the consent authority must—</p> <p>(a) give written notice of the application to Roads and Maritime Services (RMS) within 7 days after the application is made, and</p> <p>(b) take into consideration the matters referred to in subclause (3).</p> <p>Subclause (3) requires the consent authority to take into consideration any submission of the RMS, and the accessibility of the site concerned including –</p> <p>(i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and,</p> <p>(ii) the potential to minimise the need for travel by car, and</p> <p>(c) any potential traffic safety, road congestion or parking implications of the development.</p>	<p>Refer discussion.</p>		

Child Care Planning Guideline

Principle 1 - Context	The site is well screened with landscaping, positioned to take advantage of the elements and orientation and includes quality indoor and outdoor areas for learning.	The design must respond to the site's context, enhance the streetscape and add to local character.	Yes. Subject to conditions
Principle 2 - Built form	The scale of the center is well designed and integrated into the overall built form of the mixed use development.	The design of the centre is integrated into the design of the building and is well adapted to a mixed use development.	Yes. Subject to conditions.
Principle 3 - Adaptive learning spaces	A mix of indoor and outdoor environments are provided. The practical needs of the centre are accommodated.	The centre is considered to be fit-for-purpose with indoor and outdoor areas having high amenity, with separated and high quality learning spaces provided.	Yes.
Principle 4 - Sustainability	Sustainability is achieved through a whole of building approach.	Cross flow ventilation is available.	Yes.
Principle 5 - Landscape	Landscaping on structure is provided in the centres outdoor areas.	The centre is provided with landscaping along the street frontage. Conditions are recommended with regard to breaking up the scale and expanse of the brick wall fronting the surrounding streets.	Yes. Subject to conditions.
Principle 6 - Amenity	The centre provides for adequate amenity in and out door	Complies.	Yes.

Principle 7 - Safety	The centre provides for a safe learning environment. A single entry point is provided direct from the surface car park and from dedicated centre car parking.	Passive surveillance opportunities are to be provided, as well as quality public and private space that address child and staff safety.	Yes.
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Child Care Planning Guideline - Matters for Consideration

This part of the Guideline includes the matters which support the design principles above and must be considered by the consent authority when assessing a DA for a child care centre.

3.1 Site selection and location

Considerations - C1 to C4

- (a) For development in a residential zone: acoustic and privacy impacts, setbacks, traffic and parking.
- (b) For development in commercial zones: impacts on health and safety of staff and visitors, well being of children.
- (c) Ensure site selection is suitable for the use.
- (d) Ensure the site is appropriately located close to parks and shops, is connected and not impacted by environmental conditions which may impact child health and or safety.

Complies. The selected location within the mixed use development is at ground floor and located at one end of the centre, away from the main entry points and is considered to be acceptable. Acoustic impacts are addressed through the submitted Noise Impact Assessment and relevant conditions of consent. The centre is provided with adequate parking in a safe location which will support the use in a practical manner and will allow for safe pick up and drop off, subject to the recommended conditions. The site is located close to shops, parks, residential dwellings and a local bus service services the area.

3.2 Local character, streetscape and the public domain.

Considerations - C5 to C10

- (a) The centre is to be compatible with the character of the area and streetscape.
- (b) Public private domains to be clear.
- (c) Entry points to be clear and legible.
- (d) Ensure that front fences and retaining walls respond and complement the context and character of the area and do not dominate the public domain.

Complies, subject to conditions. A condition is recommended to address the height and expanse of the brick work wall that spans along the street front. The wall relies heavily on the landscape to screen it and is required to include greater articulation to better address its streetscape presence. Entry points are clear and legible.

3.3 Building orientation, envelope and design.

Considerations - C11 to C17

- (a) Ensure visual privacy and noise is addressed.
- (b) Optimise solar access, minimise cut and fill.
- (c) Address street setbacks, height, articulation and design of streetscape.

Complies. The design of the development has undergone three urban design reviews and is considered to be designed complementary to the streetscape, noting the B2 Local Centre zoning. The site is accessible

and well positioned to take advantage of solar access and outlook. The centre is accessible from the at grade car parking and is visible from the street. Access is provided through the main entry and admin area and is not through the play areas. The centre has its own access not from the main centre access points.

3.4 Landscaping & 3.5 Visual and acoustic privacy

Considerations C18 and C19, and C20 to C24

- (a) Boundary planting provided, cool areas to be provided.
- (b) Landscape contributes to streetscape, shade trees in car parking.
- (c) Protect privacy and security of the children
- (d) Minimise impacts on adjoining development

Complies, subject to conditions. Conditions of consent are recommended related to the recommendations of the acoustic report. Plans indicate that circular voids are proposed above the child care centre play area through to the private open space of the apartments above. Due to impacts of noise on apartments, it is recommended that these are deleted. An acoustic wall is provided along the site's frontage.

3.6 Noise and air pollution

Considerations - C25 to C28

- (a) External noise and pollution not to effect health and well being.
- Complies.

3.7 Hours of operation

Considerations - C29 to C30

- (a) Where the predominant land use is residential, be confined to 7.00am to 7.00pm weekdays.
- Complies.

3.8 Traffic, parking and pedestrian circulation

Considerations - C31 to C38

- (a) Centre car parking away from trucks and main roads.
- (b) Provide parking that satisfies the needs of the users and demand generated.
- (c) Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land. If a DCP does not specify rates the rate to be used is 1 space per 4 children (28 spaces). A reduction in car parking rates may be considered where the site is co-located in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks) or where there is sufficient street parking at appropriate times within proximity of the site.

Does not comply. The proposal for 11 car parking spaces does not comply with the required 30 spaces under the DCP or the Guideline minimum of 28 spaces. It is however accepted that there will likely be a portion of children who will attend the centre, who will also live above it, and that some trips to pick children up will be shared with other trips associated with the future school site and/or be associated with a trip to the shopping centre or sports oval. In this respect the shortfall is assessed to be acceptable.

Conditions of consent are recommended which relate to increased basement commercial parking and addition of 3 more dedicated childcare parking spaces. To ensure vehicles entering the at grade car park from the eastern side near the childcare parking are at a slow speed, a condition of consent is recommended to require an additional speed hump.

In accordance with the requirements of the Guideline and Regulation an Emergency and Evacuation Plan is required to be submitted with the DA. As a plan was not submitted with the DA a condition of consent is recommended to require one to be submitted to Council's satisfaction, prior to the issue of the Construction Certificate.

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 of the Policy applies to the proposal. Clause 104(3) requires that the consent authority must give written notice of the application to RMS within 7 days after the application is made and take into consideration any submission made by RMS, and must take into consideration:

- 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*

- any potential traffic safety, road congestion or parking implications of the development.

The application was referred to Transport for New South Wales (TfNSW) for their review as the proposal is identified as traffic generating development to be referred to TfNSW (formerly RMS) in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 (SEPP). TfNSW initially did not support the proposal and requested further information. The applicant provided additional information to TfNSW.

In letter dated 20 May 2020 (SYD19/00725/03) TfNSW raised that they do not support the utilisation of PM Peak times as AM Peak times and note that the Sidra modelling has not been modeled as a network and therefore queue lengths may not provide accurate information related to intersections. TfNSW also noted that the utilised 80 second cycle time for the Bradley Street/The Northern Road intersection should be 120 seconds. Notwithstanding, TfNSW raised no general objection to the proposal and referred the outstanding matters for Council's attention.

Council's traffic engineers have not requested additional information with regard to the above matters raised by TfNSW, and it is not understood that the greater traffic network would be detrimentally impacted by the development. Council's traffic engineers have requested additional basement car parking to be provided by the development for the use of visitors to the shopping village, and alterations to the car parking layouts and car space dimensions, which is further detailed under the DCP section of this report.

It is assessed that the proposed location and scale of the at grade commercial car wash facility proposed in the north-eastern corner of the site will result in negative safety and efficiency impacts on internal and external traffic movements. The exit point to the car wash is directly into the entering traffic lane to the car park and is near to a kerb crossover with pedestrian pathway. Cars being moved from the washing area to the drying area will be required to navigate the car park aisles to access the drying bays and it is estimated that more drying bays will be needed than are provided for assuming that customers will leave their cars with the car wash while they shop or while they visit residents or local sports ground, resulting in a reliance on overflow car parking within at grade car park. It is recommended that the car wash be deleted from the plans. Car wash impacts on amenity and streetscape are discussed elsewhere.

The development proposes to install a raised pedestrian crossing opposite the main pedestrian entry along Deerubbin Drive and also proposes to install two sets of pedestrian 'safe havens' in the road reserve along Darug Drive and at the western end of Glenmore Ridge Drive. To ensure the reduction in car use is supported conditions are recommended to require the provision of convenient bicycle parking spaces in key locations at ground and basement levels, in accordance with the NSW Government's Planning for Walking and Cycling document.

The proposal is considered to be acceptable having regard to the matters for consideration under the Policy, subject to the recommended conditions.

State Environmental Planning Policy (State and Regional Development) 2011

The proposal is identified as being Regionally Significant Development under the Policy as the proposal has a capital investment value which exceeds \$30 million.

State Environmental Planning Policy (Vegetation in non-rural areas) 2017

An assessment has been undertaken of the proposal against relevant criteria within State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and the proposal is satisfactory.

State Environmental Planning Policy No 55—Remediation of Land

The proposal has been assessed against the applicable provisions of the State Environmental Planning Policy No. 55 - Remediation of Land and specifically, an assessment has been undertaken of the proposal against the matters for consideration under Clause 7 Contamination and remediation to be considered in determining a development application.

The application was submitted with a 'Contamination Assessment - Bradley Street, Mulgoa - Proposed Subdivision Development - Glenmore Park Stage 2 - Western Precinct' document prepared by Geotechnique P/L dated 25/07/2007 and a 'Preliminary Site Investigation' report also prepared by Geotechnique P/L which were considered by Council's Environmental unit and no objections were raised subject to standard conditions.

A review of Council's records does not identify that the site is contaminated and given the previous extensive remediation and validation of the estate, no further investigation is required. The proposal satisfies the requirements of the Policy and Council is satisfied that the land concerned, is suitable for the development as proposed.

State Environmental Planning Policy No 64—Advertising and Signage

The development application has been assessed against the applicable provisions of the Policy and as a result the proposed signage is not supported due to unsupportable impacts on the residential amenity of adjacent residential dwellings, and as insufficient detail has been provided in relation to all signage proposed.

The proposed signage is inconsistent with the *Aims, objectives etc* listed at 3(1)(a)(i), in that it is found to be incompatible with the desired amenity and visual character of the area.

Clause 8 *Granting of consent to signage*, states that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in Clause 3 (1), (a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

With regard to 8(b) an assessment has been undertaken of the signage against the Assessment Criteria in Schedule 1 and the signage is found to be unsatisfactory having regard to 1 Character of the area, 3 Views and vistas, 4 Streetscape, setting or landscape, 5 Site and building, and 7 Illumination.

The unsatisfactory nature of the signage in general relates to the illuminated pylon style signage proposed to be located on the roof of the carwash/cafe, other signage is provided with insufficient information to allow a proper assessment or is proposed to be illuminated and elevated above the ground floor awnings, and as such the proposed signage is not supported and it is recommended that signage be deleted from the plans and be the subject of a future development application to Council.

Proposed signage is also detailed under the Penrith Development Control Plan 2014 section of this report.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

An assessment has been undertaken of the proposal against State Environmental Planning Policy No. 65 —Design Quality of Residential Apartment Development (SEPP 65) and the proposal is found to be satisfactory, subject to recommended conditions of consent.

The applicant has provided advice as to how the principles of Schedule 1 of SEPP 65 are addressed within the submitted Statement of Environmental Effects (as is required by Schedule 1 of the Regulations).

The proposal is considered to be acceptable when assessed against the nine Design Quality Principles of Schedule 1, and the development has been reviewed on three occasions by Council's Urban Design Review Panel member. Council's Urban Designer found the proposal to be of acceptable quality and representative of the principles contained within the Policy, subject to further detail being provided related to the treatment of exposed concrete surfaces and finishes, and to ensure the concrete form work and detailing provided by the Architect, achieves the desired high quality finish. Conditions of consent are recommended to require additional detail to be provided, to the satisfaction of Council, in this regard.

Several conditions of consent are recommended to address matters which relate provision of superior access and street address, and materials and finishes details, increased built response to noise and vibration impacts, increased safety, internal privacy and amenity between units, and to further address streetscape presentation at the ground floor.

As the matters are relatively minor although are many, and the matters to be addressed may require further refining or ongoing dialogue, it is recommended the suite of recommended conditions are included in a

Deferred Commencement Condition.

The table below provides an assessment against the applicable provisions of the accompanying Apartment Design Guide (ADG).

Assessment Against the Apartment Design Guide (ADG)			
Part 3	Required	Discussion	Complies
3A-1	Each element in the Site Analysis Checklist should be assessed.	A Site Analysis plan was submitted and identifies applicable elements as required within the Checklist. A written description of the proposal and subject site are also included in the submitted Statement of Environmental Effects and accompanying plans and reports.	Yes.

3B-1	Buildings to address street frontages.	<p>With the exception of the awning heights and the awning's relationship to streetlight poles (as discussed elsewhere), each elevation adequately addresses the street frontages.</p> <p>The high brick wall adjacent to the child care centre (south east corner) will rely heavily on landscaping to break up its height and the planar faces. In the event that landscaping fails, is not effective and during the establishment phase, it is assessed that additional articulation of this elevation needs to be provided such, as horizontal breaks at intervals with glazing or slatted elements to allow glimpses in and out, and to break up the apparent expanse and height of the wall - in addition to the landscaping in this area. A condition is recommended in this regard.</p> <p>Conditions are recommended to better articulate the western elevation in the area of the loading dock.</p> <p>Direct access from the street is provided to four of the six residential lift lobby areas. Lift B2 in Block B and Lift A2 in Block A are accessed via the ground floor shopping centre through link arcades and are internal, being approximately 20m and 25m from the street. Although direct access is not provided for these lobby areas, the access pathways will be accessible, clear, wide and public to the glazing line.</p> <p>Notwithstanding, a condition is recommended to ensure adequate way-finding is provided for visitors, emergency services, deliveries, mail and the like to ensure the locations of lifts, lobby areas and amenities are known.</p> <p>The common entry and foyer areas are of an appropriate design and indicate full height glazing (refer plan no. 7085 residential lobby finishes and materials sheet).</p>	Yes. Conditions recommended.
3B-2	Living areas, Private Open Space (POS) and Communal Open Space (COS) to receive compliant levels of solar access.	Refer discussion under Parts 3D and 4A.	n/a

	Solar access to living spaces and POS of neighbours to be considered.	Shadow diagrams conclude that additional overshadowing attributed to the proposal will be limited to the front setbacks of residential dwellings along Darug Drive to the south-west from approximately 9am to 11am then will fall to the south and south-east from midday, with no unreasonable impacts resulting.	Complies.
3C-1	Courtyard apartments should have direct street access.	No ground floor apartments are proposed. Level 1 podium apartments have private access to the communal open space areas for some apartments where the opportunity is provided.	Yes.
	Upper level balconies and windows to overlook the street.	All apartments are provided with an outlook over the surrounding streets.	Yes.
	Length of solid walls should be limited along street frontages.	Each street frontage is designed to avoid areas of blank wall. A condition is recommended in relation to the wall adjacent to the Childcare Centre; refer to discussion under 3B-1 above.	Yes. Condition recommended.
	Opportunity for concealment to be minimised.	Entryways and thoroughfares are wide, straight and design to reduce opportunity for crime and concealment. A condition is recommended to require the installation of CCTV.	Yes. Condition recommended.
3C-2	Mail boxes to be located, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.	<p>Residential lift lobbies A2 and B2 are accessed from within the ground floor retail common walkways and are not readily identifiable from the street, although the area will be well lit, and clear lines of sight can be provided to the lobby glazing.</p> <p>A condition is recommended to require the installation of way-finding signage.</p> <p>Adequate area for the provision for mailboxes is provided within all lift lobbies. A condition is recommended to require their installation to be inside the secure lobby area.</p> <p>Residential access to Lift A1 is to be provided direct from the street rather than by the retail walkway. This will ensure a sense of arrival is provided. See 1:20 ramp to the immediate east.</p>	Yes. Conditions recommended.

	Ramping for accessibility should be minimised.	<p>Requested amended plans indicate that ramping is proposed relative to the street along most interfaces.</p> <p>Notwithstanding, conditions of consent are recommended to require: the deletion of the stair adjacent to ground floor tenancy AR10 (Grid 10/C1) and replace these with a ramp, and to require that direct and ramped access to the street is provided from Glenmore Ridge Drive to residential lift lobby A1 (Grid D/1).</p>	Yes. Condition recommended.
3D-1	Communal Open Space (COS) to have minimum area of 25% of site.	<p>Plans indicate 3,640sqm of COS or 17.24% with COS located on level 1.</p> <p>Site area = 21,110sqm $21,110 \times 25\% = 5277.50\text{sqm}$ is required</p> <p>Shop top should not have to provide 25% of site as COS and owing to the close proximity to parks.</p>	<p>Does not comply.</p> <p>Justification provided.</p>
Design Criteria	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on June 21.	The development complies with this requirement.	Yes.
Objective 3D-2	Facilities respond to microclimates, sun, winter, shelter, wind etc.	The design of the development responds to light and shade and to north.	Yes.
3D-4	Boundaries should be clearly defined between public open space and private areas.	The private open space areas of the development are clearly defined by the use of landscaping, walls, fencing and paving elements.	Yes.

3E-1	<p>Deep soil is to be provided at a rate of 7% of site area with a min. dimension of 6m</p>	<p>1477.56sqm of deep soil is required. The applicant identifies that 1922sqm is proposed. The ADG provides further design guidance on high density areas and city centres where the requirements may not be able to be met. It is noted that the deep soil zone at ground floor will be utilised for car parking and that areas are proposed for canopy tree planting.</p> <p>To ensure compliance with the Cooling the City Strategy, a condition of consent is required to require the addition of an additional canopy tree planter in the central bay of car parking (being the same scale as those proposed (one car space)).</p> <p>It is considered that the additional planting on structures provided as part of the proposal and at the upper levels will assist in meeting deep soil targets, providing shade and reducing heat island effects.</p> <p>A condition has also been recommended to require the redesign of the on site detention tank to be clear of the landscaped elements at ground floor.</p>	<p>Conditions recommended.</p>
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3F-1	<p>Minimum required separation distances from the building to side and rear boundaries is to be achieved as follows:</p> <p>1-4 Storeys – 6m habitable to habitable and 3m for non-habitable</p> <p>5-8 storeys – 9m habitable to habitable and 4.5m for non-habitable</p> <p>9+ storeys - 12m habitable to habitable and 6m for non-habitable</p>	<p>The proposal is largely compliant with the building separation requirements with the exception of a pinch point, between the north-south and east-west aligned building elements associated with residential Block A. Council's Urban Designer has also raised this issue.</p> <p>This pinch point proposes a 6m minimum separation distance between habitable areas of opposing residential units. As a design response, the development proposes that walls be provided between balconies to protect privacy.</p> <p>The proposal does not comply with separation requirements between the wings of Block A impacting privacy for opposing units (A108, A107, A106 and A109 - typical on all levels) and does not achieve compliance between the north and south facing private open spaces of units B104/B105 and C105/C106 typical all levels.</p> <p>A condition is recommended that the plans be amended to ensure comply. In the required re-design it is also recommended that the applicant address the concerns of Council's Urban Designer which relate to the length of the corridor off Block A and add opportunities to provide for internalised 'residential territories' supporting social interactions - such as wider break out areas with views to common open space or landscaping.</p>	No. Conditions recommended.
3G-1	Building entries to be clearly identifiable.	Lobby entryways are visible from streets and common areas. Mail boxes are located within lobbies which are accessible and paved to the street front.	Yes.
3G-2	Building access ways and lift lobbies to be clearly visible from the public domain and communal spaces.	The main pedestrian entryways are visible from the surrounding streets and communal open spaces.	Yes.
	Steps and ramps to be integrated into the overall building and landscape design.	Steps and ramps are integrated into the design.	Yes.
3H-1	Carpark access should be integrated with the building's overall façade.	The car parking is adequately integrated into the design of the site. The car park entry is setback from the building façade to the rear of the bicycle hub. Landscaping is provided around the vehicle entryway.	Yes.

	Clear sight lines to be provided for drivers and pedestrians.	Adequate sight lines are provided for drivers and pedestrians at the street frontage. A condition is recommended to splay the western side of the medical centre glazing to allow for increased sight lines noting the adjacent childcare centre and future school.	Yes. Condition recommended.
	Garbage collection, loading and servicing areas are screened.	The separate waste collection area entry is located along the western elevation from Darug Avenue.	Yes.
3J-1	The site is located within 800m of a railway station and as such car parking rates are set by the RMS (formerly RTA) Guide to Traffic Generating Developments document.	Refer discussion under Penrith DCP 2014.	n/a
3J-2	Secure undercover bicycle parking should be provided for motorbikes and scooters.	Secure bicycle and motorcycle parking is proposed within the basement of the building for the future residents, and conditions are recommended requiring retail bicycle parking and end of trip facilities for the commercial component.	Yes. Conditions recommended.
3J-3	A clearly defined and visible lobby area or waiting area should be provided to lifts and stairs.	Lobby areas are clearly defined and appropriately located with sufficient safe manoeuvring areas provided.	Yes.
	Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas, and car wash bays can be accessed without crossing car parking spaces.	The ground floor and basement car parking areas are provided with bicycle parking and building manager amenities that are accessed from common areas and do not rely on access through parking spaces. Service rooms are co-located with access stairs and lifts.	Yes.
3J-6	Positive street address and active frontages to be provided at ground floor.	Wide and direct pedestrian access pathways are provided to the communal entries and lift lobby areas via the surrounding streets and internal common open space areas.	Yes.

4A-1	<p>Living rooms and private open spaces of at least 70% of apartments to receive 2 hours direct sunlight between 9am and 3pm mid-winter.</p> <p>A maximum of 15% of apartments to receive no direct sunlight between 9am and 3pm mid-winter.</p>	<p>Submitted documentation and a review of the provided plans confirms that 71% of apartments are provided with compliant levels of solar access.</p> <p>Plans indicated that 21% (31) of units do not receive any direct sunlight. The variation is considered acceptable and overall the development is responsive to the site with high quality north facing communal areas accessible to all units. The site is also located in close proximity to parks and open spaces.</p>	<p>Yes.</p> <p>No, but considered acceptable in this instance.</p>
4A-3	Sun shading devices are to be utilised.	Balconies are proposed to be covered by the levels over.	Yes.
4B-3	60% of apartments are to be naturally ventilated and overall depth of cross-through apartments 18m maximum glass-to-glass line.	Submitted documentation and a review of the provided plans confirms that 58.5% of apartments receive natural cross flow ventilation with an additional 28 provided with cross flow through the utilisation of a skylight.	Yes. Noting addition of ventilation via skylights.
4C-1	Finished floor to finished ceiling levels are to be 2.7m for habitable rooms, 2.4m for non-habitable rooms, 3.3m for ground and first floor of mixed use areas.	<p>The proposal is for a minimum of 2.8m measured from finished floor to ceiling heights in the residential levels (300mm slab).</p> <p>4-6m is proposed for ground floor.</p>	<p>Yes.</p> <p>Yes.</p>
4D-1	<p>Apartments are to have the following min. internal floor areas:</p> <p>1 bed – 50m²</p> <p>2 bed – 70m²</p> <p>3 bed – 90m²</p> <p>Additional bathroom areas increase minimum area by 5m².</p>	All proposed apartment sizes comply with the ADG requirements.	Yes.
4D-2	In open plan layouts the maximum habitable room depth is 8m from a window.	All units comply with this requirement.	Yes.
4D-3	Master bedrooms to be 10m ² and other rooms 9m ²	All units comply with this requirement.	Yes.
	Bedrooms to have a minimum dimension of 3m.	All units comply.	Yes.

	Living rooms to have minimum width of 3.6m for a 1 bedroom unit and 4m for 2 & 3 bedrooms.	All units comply.	Yes.
4E-1	All units to have the following primary balcony areas: 1 bed – 8m ² (2m deep) 2 bed – 10m ² (2m deep) 3 bed – 12m ² (2.4m deep) Ground level units 15m ² and minimum depth of 3m	All units meet the minimum area required and provide a usable balcony space for future occupants.	Yes.
4E-3	Downpipes and balcony drainage are integrated with the overall facade and building design.	A condition of consent is recommended in this regard.	Yes. Condition recommended.
	Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.	A condition of consent is recommended in this regard.	Yes. Condition recommended.
4F-1	Daylight and natural ventilation to be provided to all common circulation spaces.	Natural light is provided to the central lobby and lift core circulation spaces.	Yes.
4G-1	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: 1 bed – 4m ³ 2 bed – 6m ³ 3 bed – 10m ³ With 50% of the above to be provided within the units.	Adequate storage is provided within each unit in addition to storage cages located with the basement carpark.	Yes.
4K-1	Flexible apartment configurations are provided to support diverse household types.	The development proposes a range of unit sizes, configurations and number of bedrooms to accommodate change over time and cater for differing households. Unit mix is proposed as follows: 9 x 1 bedroom apartments (6%) 124 x 2 bedroom apartments (84%) 14 x 3 bedroom apartments (10%)	Yes.
4L-1	Direct street access should be provided to ground floor apartments.	n/a	na

4M-1	Building facades to be well resolved with an appropriate scale and proportion to the streetscape and human scale.	The proposal was subject to numerous reviews by Council's Urban Design Review Panel. The design was supported.	Yes.
4O-1	Landscape design to be sustainable and enhance environmental performance.	The submitted landscape plan indicates a selection of trees, shrubs and ground covers appropriate for the site. Conditions of consent are recommended with regard to landscape maintenance and irrigation.	Yes. Conditions recommended.
4Q-2	Adaptable housing is to be provided in accordance with the relevant Council Policy.	10% of units are required to be provided as adaptable.	Yes.
4U-1	Adequate natural light is provided to habitable rooms.	All habitable rooms are provided with appropriate levels of natural light. Apartment depths and open floor plan arrangements allow light into kitchens, dining and living areas.	Yes.
4V-2	Water sensitive urban design systems to be designed by suitably qualified professional.	The application has been referred to Council's internal Environmental Waterways Unit with no objections raised. WSUD measures have also been considered at the major projects approval stage.	Yes.
4W-1	A Waste Management Plan is to be provided.	A Waste Management Plan has been submitted.	Yes.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the proposal against the relevant criteria within Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997) and the proposal is considered to be satisfactory, subject to the recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies
Clause 2.5 Additional permitted uses for particular land	N/A
Clause 2.7 Demolition requires development consent	N/A
Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	N/A
Clause 4.3 Height of buildings	Does not comply - See discussion
Clause 4.4 Floor Space Ratio	N/A
Clause 4.6 Exceptions to development standards	Complies - See discussion
Clause 7.1 Earthworks	Complies
Clause 7.2 Flood planning	Complies
Clause 7.3 Development on natural resources sensitive land	N/A
Clause 7.4 Sustainable development	Complies - See discussion
Clause 7.5 Protection of scenic character and landscape values	N/A
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies
Clause 7.8 Active street frontages	N/A
Clause 7.12 Maximum gross floor area of commercial premises	N/A
Clause 7.16 Glenmore Park Stage 2	Does not comply - See discussion

Clause 2.3 Permissibility

The subject site is zoned B2 Local Centre under PLEP 2010. The proposal for a four storey mixed use development with ground floor car wash, childcare centre, retail and commercial tenancies and associated signage, and 147 upper level residential apartments is permissible within the zone..

In this regard, Business and Building Identification Signage, Centre Based Child Care Facilities, Commercial Premises, Medical Centres, Recreation Facilities (Indoor), and Shop Top Housing are permissible with consent. Retail, business and office premises are a type of Commercial Premises and are therefore also permissible with consent in the zone. Shop top housing is defined under PLEP as one or more dwellings located above ground floor retail premises or business premises and in this respect the proposal for upper level apartments is permissible in the B2 Local Centre zone, with consent.

Clause 4.3 Height of buildings

The Penrith Local Environmental Plan 2010 (PLEP) Height of Buildings map identifies a 15m maximum height for the site. The proposal is for a maximum height of 15.9m.

The additional height above 15m is attributed to lift overruns and three portions of roof slab as follows:

Block A, Lift overrun 900mm and roof form 650mm

Block B, Lift overrun 30mm - 31mm and roof form 230mm

Block C, Lift overrun 210mm (Lift 1), and 300mm (Lift 2) and roof form 220mm

A written request under Clause 4.6 of PLEP to vary the development standard has been provided and is detailed within this report under Clause 4.6.

Clause 4.6 Exceptions to development standards

The development application seeks consent for a maximum height of 15.9m which exceeds the maximum Height of Buildings development standard of 15m expressed for the site under clause 4.3 of the Penrith LEP. Clause 7.16 of the LEP contains a height limit for particular dwelling types in the Glenmore Park Stage 2 release area. The applicant's submitted written request under clause 4.6 of the LEP seeks a departure from both provisions - noting also that they are for the same numerical standard.

Clause 4.6(2) of PLEP states that *development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

The written request seeks approval for a variation to the Height of Buildings development standard, and to the 15m height limit applying to shop top housing in Area 3 of the LEP Height of Buildings map, for development in Glenmore Park Stage 2. Both clauses are not identified as being expressly excluded from the operation of clause 4.6 under PLEP and as such, there is no barrier to the request to vary the standards.

Clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The submitted written request to vary the development standards has been received and has been considered in the assessment of the application. The height variation to each clause relates lift overruns and three portions of roof slab as follows:

Block A, Lift overrun 900mm and roof form 650mm

Block B, Lift overrun 30mm - 31mm and roof form 230mm

Block C, Lift overrun 210mm (Lift 1), and 300mm (Lift 2) and roof form 220mm

With regard to 4.6(3)(a) above, the written request states that it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved. The written request addresses the decision of *Wehbe v Pittwater Council* (2007), and states that *'strict compliance with the development standard is unnecessary in this case having regard to the design merit of the proposal, and noting that the proposal satisfies the underlying*

objectives of the...height of buildings development standard'. The applicant states that compliance with the development standard is unreasonable or unnecessary in the circumstances for the following summarised reasons:

'Objective (a)

- *The proposed development aligns with the desired future character of the B2 Local Centre zone noting the proposal exhibits a 4 storey form within the 15m height limit and aligns with the intended height, bulk and scale for this portion of the Glenmore Park Stage 2 release area.*
- *Notably the proposal also only seeks to construct built form (height) on a portion of the site to provide visual relief and avoid an over bearing bulk and scale as viewed 'in the round'.*
- *The proposed development, however, is not incompatible with the existing character of the locality noting the roads provided the desired transition to the 1-2 storey built form in the vicinity of the site.*

Objective (b)

- *The additional height does not generate any additional amenity impacts with regard to overshadowing, visual privacy, acoustic privacy, or view loss. The non-compliant portions of the buildings do not increase the shadows cast by the building in any consequential way noting the lift cores are recessed such that there is no increase in impact.*
- *The minor point encroachments to the roof form also have no impact on views, privacy and solar access.*
- *In regard to visual impact, the area of the development which contravenes the development standard is largely imperceptible at street level given the minor nature of the departure and the lift cores being recessed. The departure is slightly visible from the northern side, although the view is still considered appropriate as it is setback from the street and also screened by existing buildings, mature trees and integrated with the design building. Therefore the proposal minimises visual impact as viewed from the public domain and surrounds- again noting the built form is clustered on 3 sides of the site.*
- *A development of a compliant height would have a similar visual appearance when viewed from the public domain and adjoining properties.*
- *The proposal, and specifically the additional building height, will not impact on views enjoyed from the public domain or adjoining residential properties.*

Objective (d)

- *The subject property is has an interface with an area of lesser intensity, noting the site is nominated B2 Local Centre with a 15m height limit...with the roads providing the height transition to the 'R1' areas. It is noted that the mapped height limit is the same in the vicinity of the site but 10m-15m under Clause 7.16. Hence the transition is a factor of the chosen building typology opposite the site, which all could have been much higher per the LEP and DCP. Regardless the proposal provides a suitable transition - notwithstanding the minor height breach.*

Objective (d)

- *The subject property is at the interface with an area of lesser intensity, noting the site is nominated B2 with a 15m height limit that contemplates a height similar to that proposed with the roads providing the height transition to the 'R1' areas. It is noted that the mapped height limit is actually the same in the vicinity of the site but 10m-15m under Clause 7.16. Hence the transition is a factor of the chosen building typology opposite the site which all could have been much higher per the LEP and DCP. Regardless the proposal provides a suitable transition - notwithstanding the minor height breach.*
- *Objective (d) is satisfied by the proposed development, notwithstanding the variation to the numerical standard. The breach enables the building's presentation and contribution to the street to be improved (adopting a suitable finished ground level to interface to the street) and results in a high quality built form. The proposal is well balanced in terms of the location and design of the roof form and the windows. The works above the height of building control do not result in any impact to the adjoining land. It is noted that the Urban Design Review Panel are in support of the proposal, and the height departure and express a high quality urban form is achieved.'*

The applicant is assessed to have justified the departure. Adequate grounds area provided, which demonstrate that compliance with the Height of Buildings standard is unreasonable or unnecessary in the case. The objectives of the applicable development standards are maintained.

With regard to 4.6(3)(b) above, the applicant provides that sufficient environmental planning grounds exist to support the written request in that (in summary):

- *The design ensures that the habitable floor space is contained below the maximum height line, demonstrating that the variance is not a means of achieving yield, but a site specific design response.*
- *The variation stems from lift and roof areas and the topography of the site, having a gentle fall and the attempt to keep a flat and accessible ground level interface for all frontage, rather than 'sinking' the building down.*
- *The design achieves dock area required heights by relating to existing street level.*
- *The lift overruns are not visible from the streets and areas of roof which exceed 15m are not legible.*

It is assessed having regard to the reasoning provided that sufficient environmental planning grounds exist to support the written request.

Clause 4.6(4) requires that development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

With regard to 4.6(4)(a)(i) the consent authority can be satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated under 4.6(3)(a) and (b) of PLEP for the following reasons:

- The written request highlights the reasons as to why the variation to the height of buildings development standard is sought, and relates these reasons back to pertinent environmental planning grounds which include achieving satisfactory urban design outcomes.
- Further, the written request details how compliance with this development standard is unreasonable or unnecessary in the circumstances of the case, these being (and as detailed within the written request), that compliance with the 15m height plane in this instance is unnecessary as the encroachment proposed will not be visible from the surrounding streets as the lift overruns are inset from the building edge, and that the minor nature of the roof forms height non-compliance is not discernible, and that the objectives of the height of buildings development standard and the objectives of clause 7.16 are achieved.

With regard to 4.6(4)(a)(ii), the consent authority can be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standards and the objectives for development within the B2 Local Centre zone zone as follows:

- The development as proposed is assessed to be consistent with the objectives of clause 4.3 Height of buildings under PLEP which include:

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,

- (c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,*
- (d) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.*

- The encroachment into the 15m height plane is limited and is considered to be minor. The location of the lift overrun is internal to the roof area and will not be highly visible from the surrounding streets. The extent of non-compliance will not set an undesirable precedent in the locality and the development will not, as a result of the non-compliance, be incompatible with the height, bulk or scale of the existing or desired future character of the locality. It is not anticipated that the height non-compliance will result in unacceptable bulk or scale impacts and as detailed above, and is considered to be minor in its extent. The variation will not negatively impact views, privacy or solar access when compared to a fully compliant height and will not impact upon design quality or built form transition.

The development is assessed to be compatible with the objectives of the B2 Local Centre zone which include:

- *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 that development reflects the desired future character and dwelling densities of the area.*

Clause 4.6(4)(b) states that the concurrence of the Secretary is to be obtained. It is confirmed by Planning Circular PS 18-003 dated 21 February 2018, that the SWCPP (being a Regional Panel) may assume the Secretary's concurrence where development standards will be contravened.

Clause 4.6(5) states that *in deciding whether to grant concurrence, the Secretary must consider:*

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

It is not considered that the SWCPP will, in its decision to grant concurrence (as assumed), determine that the contravention will raise any matter of significance for State or regional environmental planning. It is not expected that there will be any discernible public benefit in maintaining strict compliance with the development standard having regard to the minor nature of the non-compliance with the development standards.

Clause 7.4 Sustainable development

The application has been submitted with a BASIX Certificate in relation to energy consumption, water usage and thermal comfort and in this respect, the residential component of the development is assessed as having been designed having regard to a "whole of building" approach. In addition, the plans include areas for solar panel installation and a communal vegetable garden is included for the use of the residents.

The development is assessed to have been designed to have adequate regard to building design, orientation, passive solar design and day lighting with the majority of apartments having a northerly, easterly or westerly outlook. The level 1 residential common open space is located on the north and north-east side of the development.

The proposal achieves an acceptable level of compliance with the Apartment Design Guideline objectives for natural cross flow ventilation, solar access and day light penetration through appropriate apartment design.

Bicycle parking is not identified as being provided in convenient ground floor locations, close to entry points and as such a condition of consent is recommended in this regard.

Clause 7.16 Glenmore Park Stage 2

Clause 7.16 Glenmore Park Stage 2 applies to the subject proposal. The clause states under 7.16(7) that:

Despite any other provision of this Plan and subject to subclause (8), the height of a type of dwelling specified in Column 2 of the table to this subclause, on land in an area specified opposite that dwelling in Column 1 of that table and identified on the Height of Buildings Map must not exceed the height specified opposite in Column 3 of that table.

The site is identified as being in Area 3 of Column 1, and the proposal includes shop top housing as per Column 2 and therefore, is subject to a maximum height of 15m as specified in Column 3 of the clause. Clause 4.6 of PLEP allows for an applicant to seek a variance to this development standard. A written request to vary the development standard has been received and is discussed under the PLEP Clause 4.6 section of this report.

Subclause 8 stipulates that 'Development consent under subclause (7) may only be granted to a building of a height that the consent authority is satisfied would not have an adverse impact on views to or from The Northern Road'. The consent authority can be satisfied that the development will not have an adverse impact on views to and from The Northern Road, as the site is located approximately 1.62kms west of The Northern Road. Residential allotments west of the subject site currently do not have views to The Northern Road.

Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument

Draft Environment State Environmental Planning Policy

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes proposed include consolidating a total of seven existing SEPPs being:

- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*

- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 - 1997)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property*

It is noted that the proposed changes to State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19) are not considered to impact the proposed development. In addition, the amendments to Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 - 1997) do not impact the proposed development. In this regard, the proposal is not inconsistent with the provisions of this draft instrument.

Draft Remediation of Land SEPP

The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No. 55—Remediation of Land. The proposed new land remediation SEPP will:

- Provide a state-wide planning framework for the remediation of land,
- Maintain the objectives and reinforce those aspects of the existing framework that have worked well,
- Require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land,
- Clearly list the remediation works that require development consent, and
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent.

It is also proposed that it will transfer the requirements to consider contamination when rezoning land to a direction under Section 9.1 of the Environmental Planning and Assessment Act 1979. The proposal is not inconsistent with the provisions of this draft instrument.

Draft Housing Diversity State Environmental Planning Policy (Housing Diversity SEPP)

The Department is exhibiting an Explanation of Intended Effect (EIE) for a proposed new Housing Diversity SEPP that aims to facilitate the delivery of diverse housing that meets the needs of the State's growing population and will support the development of a build-to-rent sector.

The proposed Housing Diversity State Environmental Planning Policy (Housing Diversity SEPP) would consolidate three current SEPPs and update some planning provisions in response to community and council concerns about boarding house and seniors housing development. Changes to facilitate more social housing are also proposed and three new diverse housing types – build-to-rent housing, student housing and co-living – are being introduced to provide more housing options for the people of NSW. The Explanation of Intended Effect is on exhibition until **9 September 2020**.

The Draft Policy has been considered with no further action required, and will not impact the recommendations of this report.

Planning Proposal - Phase 1 Review of Penrith LEP 2010

The Phase 1 amendments to the Penrith LEP were on exhibition between 1 May - 29 May 2020 and include alterations to lot sizes in residential zones, alterations to permissible uses in identified areas, changes in the zoning of particular allotments and minor housekeeping amendments. The amendments sought do not impact the subject application.

Section 4.15(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	Complies
C8 Public Domain	Does not comply - see Appendix - Development Control Plan Compliance
C9 Advertising and Signage	Does not comply - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	Does not comply - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Does not comply - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	N/A
D2.3 Secondary Dwellings	N/A
D2.4 Multi Dwelling Housing	N/A
D2.5 Residential Flat Buildings	Complies
D2.6 Non Residential Developments	Complies
D3.1. Bulky Good Retailing	N/A
D3.2. Sex Services Premises	N/A
D3.3. Restricted Premises	N/A
D5.1. Application of Certification System	N/A
D5.2. Child Care Centres	Complies
D5.3. Health Consulting Rooms	N/A
D5.4. Educational Establishments	N/A
D5.5 Parent Friendly Amenities	Does not comply - see Appendix - Development Control Plan Compliance
D5.6. Places of Public Worship	N/A
D5.7. Vehicle Repair Stations	N/A
D5.8. Cemeteries, Crematoria and Funeral Homes	N/A

D5.9. Extractive Industries	N/A
D5.10 Telecommunication Facilities	N/A
D5.11 Boarding Houses	N/A
E7 Glenmore Park controls	Complies - see Appendix - Development Control Plan Compliance

Section 4.15(1)(a)(iia) The provisions of any planning agreement

Three Planning Agreements apply to the Precinct known as Glenmore Park Stage 2. Council's City Planning unit has reviewed the applicable plans and confirms that the proposal does not trigger further considerations or trigger any works, dedications or further contributions. Contributions are also discussed under the Section 7.11 contributions heading of this report. The two relevant Planning Agreements are detailed below.

Glenmore Park Stage 2 - Second Planning Agreement

Parties - Council, Lensworth Glenmore Park Limited, Mulpha FKP P/L, Holcombe P/L, Glenmore Park Creek Developments P/L, Sergio & Assunta Vianello, Vianello Holdings P/L and Mint Holdings P.L.

On 6 November 2012, Council and the Parties entered into a Planning Agreement concerning the Stage 2 Glenmore Park Release Area. The Agreement is in relation to approximately 1628 residential lots, a retail centre and a school site. Under the Agreement the landowners and developers pay monetary contributions, or provide other material benefits, or a combination of them, in connection with the Development Contributions Plan on the terms of the Agreement.

The Planning Agreement sets out contributions required at various intervals being initial payments, and those contributions due prior to the issue of Subdivision Certificates for the first 255 lots in the Lensworth lands. The applicable contributions are understood to have been made as per Table 1 of Annexure E with Subdivision Certificates issued for the residential lots within Precinct A. Annexure E also requires contributions be made as per the Open Space Development Contributions Plan and the Cultural Facilities Development Contributions Plan for each residential Lot or Anticipated Dwelling after the 255th Residential Lot or Anticipated Dwelling within Precinct A.

Annexure C - Infrastructure Plan showing Bus Routes, Culverts, Bridges and Bradley Street, indicates the bus route is to pass along Glenmore Ridge Drive and Darug Drive. It is understood that these aspects of the Agreement have been undertaken. Refer discussion elsewhere with regard to the provision of bus stops and shelters servicing the shopping centre.

Glenmore Park Stage 2 Release Area - Second Council Planning Agreement - Deed of Variation - Dated 16 February 2016

Parties - Council, Mulpha Norwest P/L, Holcombe P/L, Glenmore Park Creek Developments P/L, Assunta Vianello, Vianello Holdings and Mint Holdings.

The Deed of Variation is to enable Council to continue to release Subdivision Certificates to a new threshold of 1050 residential lots before certain intersection works at Bradley Street/The Northern Road are undertaken; and to revise the scope of the road and traffic works required to be completed at the Bradley Street/The Northern Road intersection; and sequence the delivery of works required under the Agreement in accordance with the specified lot thresholds.

As the proposal does not alter Lot thresholds, works related to the Bradley Street intersection and The Northern Road are not triggered.

Section 4.15(1)(a)(iv) The provisions of the regulations

In accordance with Section 143 of the Environmental Planning and Assessment Regulation 2000, an assessment of the fire protection and structural capacity of the proposed building is necessary. The application has been referred to Council's Building Surveyor for assessment. No objections have been raised with regard to the proposal, subject to recommended conditions of consent.

Further, the development application was submitted with an Access Report concluding that the proposal is capable of complying with the applicable provisions of the Building Code of Australia and relevant Australian Standards.

The development proposal has been accompanied with the required information and has been notified, publicly exhibited and advertised as per the Penrith Development Control Plan 2014 and the Regulations.

Section 4.15(1)(b) The likely impacts of the development

Construction Staging and Safety

The development is proposed to be constructed in stages. The basement and ground floor commercial is proposed to be constructed initially, then the residential will be constructed last. No detail is provided as to how pedestrians, vehicles or staff and users of the site will be protected throughout the construction of the residential units above and it is expected that ongoing issues will result from impacts related to car parking availability, access and manoeuvring and it is likely that these will also impact the safety and amenity of the child care centre at ground floor. Conditions are recommended which require the submission of an amended staging plan to address this issue, and which require a Construction Traffic Management Plan and a Traffic Management Plan to be submitted for Council's endorsement.

Context and Character

The development of the site will have an immediate impact on the character of the area in that the site is currently vacant and the approval of the development will introduce a 4 storey mixed use development inclusive of a shopping centre and shop top housing into the streetscape. While so, the proposed setbacks, street activation, overall design and selected materials are assessed to be sympathetic with the local area and are supportive of the high quality future desired streetscape character anticipated for the Precinct both under the Penrith DCP 2014 and the Glenmore Park Stage 2 DCP chapter.

The development has been assessed by Council's Urban Design Review Panel member on a number of occasions, who has advised that the proposal will achieve an acceptable level of quality and will be site responsive, complement local character and present well to the streetscape.

Community

The development will provide much needed retail and commercial services in the Glenmore Park Stage 2 subdivision and represents a high quality development which will be significant in its community benefit. The retail and commercial components are suitable in the context of the site and allow co-related trips to occur and offer a significant investment in terms of streetscape activity and opportunities of social interactions and convenience. Walking and cycling is supported through the close proximity of the site to a future school, existing sports fields and shop top housing. Conditions of consent require end-of-trip facilities and secure parking for bicycles which will support the community and encourage modal shift.

Privacy

The proposal achieves an acceptable level of privacy for residents of the development and will not detrimentally impact the privacy of neighbouring or nearby existing or future residential dwellings.

Overshadowing

The development has been modelled to maintain solar access requirements to the surrounding residential dwellings through the central day light hours, allowing solar collectors to maintain sufficient access to the sun.

Traffic, Parking and Loading Dock Activities

As a result of the proposal, it is expected that there will be an increase in the volume of traffic entering the site, however the development generally proposes an acceptable volume of car parking for both the commercial and residential components. The existing road network is assessed to have capacity to accommodate the increased volume of vehicles, noting the TfNSW and Council's Traffic Engineers have not objected to the proposal on this ground.

Conditions of consent are recommended with regard to the allocation of car parking spaces and compliance with applicable Australian Standards related to parking, manoeuvring and sight lines. Council's Traffic Engineers have recommended via condition of consent, that additional basement car parking (97 additional spaces) should be provided for the commercial component and conditions are recommended related to the loading dock, acoustic report and related to the layout and design of car and bicycle parking spaces, and which require the provision of end-of-trip facilities.

Noise and Construction Impacts

Construction at the site will have a temporary affect on the amenity of the area due to noise from construction traffic, equipment and machinery. Standard conditions of consent are recommended with regard to hours of construction, noise and dust suppression and soil and sediment control.

Social & Socio-Economic Impacts

The development is unlikely to result in any negative social impacts in the area. The proposal has been assessed against the principles and objectives contained within the DCP in relation to Crime Prevention Through Environmental Design and has been found to be compliant in this regard. A condition of consent is recommended to ensure the development incorporates relevant specifications into the completed construction.

The proposal to operate the liquor store to 12 midnight is not supported for social reasons as it is located directly opposite residential uses and is located on a highly visible corner at the main pedestrian entry. The use of this retail tenancy will be subject to a future DA with Council.

Section 4.15(1)(c) The suitability of the site for the development

The site is considered to be suitable for the site for following reasons:

- The uses are compatible with surrounding and future adjoining land uses and are permissible in the B2 Local Centre zone;
- The grade and allotment is capable of providing for, or connecting to the infrastructure required to service and maintain the development;
- The proposal will not result in unacceptable negative environmental impacts in the locality, subject to the recommended conditions of consent.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with the Act and Regulations, consideration has been given to any necessary referrals and the submissions which have been made.

In accordance with the Penrith Development Control Plan 2014, the proposed development was notified to

nearby and adjoining residents and was exhibited and advertised between 7 June and 21 June 2019. Amended plans were notified to nearby and adjoining residents, exhibited and advertised between 19 March and 2 April 2020. A total of 13 submissions were received (with 2 being re-submissions resulting from the re-notification of amended plans).

The following matters were raised in the submissions received and have formed part of the assessment.

Matter Raised	Officer Comments
<p>Height, Scale and Character</p> <ul style="list-style-type: none"> - The proposal goes against what was initially proposed... to homeowners when they purchased their properties; which was to be a small neighbourhood shopping centre. - The proposal (is not)..what was indicated to purchasers (it was).. to be a small scaled neighbourhood centre. - The magnitude of shops and units which do not fit in with the landscape of the existing area of family-friendly single homes. - The 147 units on top of the shopping centre was never mentioned when the subdivision was sold, this brings issues. - The units are out of character for this section of Glenmore Park (all current units have been built at The Northern Road end of Bradley Street). - The proposed height...breaches the 15m height restriction for the property. - Mintus should comply with the height..without breaking the building heights to allow for the lifts; this development would have to decrease a floor in Blocks A, B and C. - Ill thought location of the loading dock and high brick wall facing houses. 	<p>The proposal does not align with the sketch plan indicated in the DCP, however the planning controls allow for a 15m height and allow for the development of the site for shop top housing.</p> <p>It is noted that the 4 storey development will be different to the single and two storey existing dwellings in the site's vicinity. However the subject lot is zoned B2 Local Centre and a 15m Height of Buildings maximum applies. Shop top housing is also permissible in the zoning and thus the planning controls permit the scale of the development proposed (noting that a written request has been received seeking to vary the 15m by a maximum of 900mm).</p> <p>The 4 storey component of the development is comparable to a recently constructed residential flat building near the corner of Glenholm Drive and Deerubbin Drive.</p> <p>The west facing elevation which contains the loading dock area is broken up with a variety of colours and materials to assist in reducing the impact of its scale and expanse.</p> <p>To ensure that the residential balustrade is defined and provides a visual break in the height of the wall, relative to what would ordinarily be the level one slab line, a condition of consent is recommended to require finish BR3, which is currently only proposed to span between grids 5 and 7, to extend between grids 1 through to 10.</p>

<p>Hours of Operation</p> <ul style="list-style-type: none"> - Considering this proposed development is in a low density residential area, the requested hours of 6am to 12am for the supermarket and liquor store are excessive. The shopping centre in Glenmore Park does not open for these hours. 	<p>The recommended hours of operation of the supermarket are 6.00am to 10.00pm week days and 7.00am to 10.00pm weekends.</p> <p>Delivery times are recommended to be between 7.00am to 7.00pm seven days.</p>
<p>Traffic, Parking and Noise</p> <ul style="list-style-type: none"> - The area can not accommodate the cars and visitors cars for that many residences. There are narrow streets and dual income families with two or more cars. - More cars leads to dangerous access to our community and our children who walk and ride to the local park. - The proposal has 40-50 truck deliveries daily..will cause more delays in traffic flow, on-street parking problems and noise to the surrounding houses and streets. - I have concern for the amount of traffic this building will create by its inhabitants, the road is narrow as it is and bends to form a blind spot, once the school is built on the adjacent land this will become a safety risk for school children and the increase of traffic from school drop offs and pick ups. - The addition of 147 units could potentially add an additional 300+ cars onto our local streets...the other neighbourhood non-residential sites, including that of a mixed use unit block with child care center and gym has already seen a significant increase in traffic and an increase in the use of street parking, to which this proposal would only add to. - ..consideration be made in relation to the lack of off the street paring for the sporting fields..and the school site, with projected completion date set in 2023. 	<p>The application was referred to Council's traffic engineers who have not raised any issues with street widths, capacity of the broader road network, blind spots or pedestrian safety.</p> <p>The application was also referred to TfNSW who have not objected to the proposal.</p> <p>It is agreed that there will be increased car movements and additional truck movements associated with the development, however the scale of the development is largely compliant with the applicable development standards.</p> <p>Alternative locations for the loading/delivery dock were discussed with none proving acceptable on safety, access and circulation requirements.</p> <p>Conditions of consent are recommended with regard to restricting times for deliveries, hours of operation of the major retailer and also in relation to deliveries and closing of the dock access doors once vehicles have entered.</p> <p>It is expected that the development of the shopping centre will assist in reducing some private vehicle trips out of Glenmore Park which would ordinarily be for shopping or for child care purposes. The proposal will provide for much needed services for residents in Glenmore Park Stage 2 and is co-located with sports fields and a future school.</p>

- How can Bradley Street cater to all these people.

- Further studies shall be done re-lights or roundabouts at main intersections, no parking permitted within 3m of any driveway.

- No household has 1 car here due to poor public transport options, so on top of the increased volume of traffic for the businesses and ...2 cars per unit..local streets won't cope.

- You can imagine the impact 300+ car will have at 8am when everyone is trying to leave for work along the single exit lane on Bradley Street.

- People will be parking all up the streets and in front of other peoples houses ... it already happens every weekend because of the sports fields.

- As a home owner located to the immediate south-west of the site...deeply concerned regarding the congestion and noise caused by the 60+ cars per hour expected to visit the site, alongside the 50 trucks daily for deliveries that will be likely to pass directly past mine and other neighbouring residences...Bradley Street already has lengthy delays.

- Darug Avenue is already a main thoroughfare for traffic coming to and from Mulgoa Rise which commences from 5.00am every morning and again from 3.00pm every afternoon and well into the night...There will be a minimum of 147 extra vehicles coming and going..this will impact residents. What planning is proposed to limit traffic? Will you be offering double glazing..?

- 610 hourly vehicle movements directly to and from the site, 6 of those are trucks between 7.00am and 10.00pm; 120 per hour, 2 of which are trucks in shoulder periods...results

<p>show noise associated with the loading dock area alone will exceed levels allowed...exceeding Sleep Arousal Criteria.</p> <ul style="list-style-type: none"> - Cleaning, bakery, and fresh food prep staff and contractors will be onsite from 12.00am to 6.00am...no break from noise. - Dwellings on Darug Avene should be offered single glaze laminated glass. 	
<p>Social and Economic Impacts</p> <ul style="list-style-type: none"> - This is a family friendly community with little crime...a large scale unit block will increase renters who have no obligation to maintain community safety. - Privacy and traffic issues they will devalue the surrounding homes causing financial hardship on already struggling families. - This is a family area not an apartment area. The area is becoming overpopulated. - Why is the land not being used for a primary school? - How many actual car spaces? What is the split? How big is the Swim Centre, is it just a tiny learn to swim? Will this be privately run like every other pool in Penrith or Council owned pool. Nothing for competitive swimmers. - It doesn't seem to be in keeping with the demographic of the area. I would ask that Council reconsider this development to only include retail and commercial entities, without and residential. - Mulgoa Rise was sold as a prestige environment..units and shops ...will denigrate the area and affect re-sale value of properties. 	<p>It is not anticipated that community safety will be impacted by potential future renters or the additional units. The apartment mix caters for a range of family and household types.</p> <p>The site is zoned to permit shop top housing and permits a 15m height.</p> <p>A school site is identified to the site's immediate south.</p> <p>There are 316 commercial car parking spaces and 191 residential car parking spaces.</p> <p>The swim centre is indicative and will be subject to a future development application to Council. It is likely to be privately owned and operated as a learn to swim school. Plans indicate the area for the swim school will be approximately 350sqms.</p> <p>It is not expected that the development will detrimentally impact property values. The design of the development has been reviewed by Council's Urban Design Review Panel on several occasions and is found to be of high quality and suitable in the location having regard to streetscape and local character.</p> <p>With regard to the request to suspend the assessment of the application due to the pandemic, it is considered that adequate time has been provided for submissions to be heard. The application has been notified and exhibited twice.</p> <p>It is not expected that the nose from traffic and loading activities will be detrimental, although it is acknowledged that there will be an increase in traffic and noise. Conditions are recommended to limit the hours of operation and the hours of operation of the loading dock, which will assist in providing relief from these activities.</p>

<ul style="list-style-type: none"> - Considering the current economic climate it would be expected that a deferral / suspension of this application until residents are less distracted with the current global pandemic. - We will have to close up our house to the noise pollution..our house will be dark, with no ventilation, mould growth will impact our health. - Those with existing health conditions will be impacted as will shift workers. - How can we be assured that if this commences, that the developer will be financially viable to complete the development? 	<p>The development is to be constructed in five stages as follows:</p> <p><u>Stage 1</u> Construction of a sales and display suite and an ancillary cafe with associated landscaping and stormwater drainage at the corner of Glenholme Drive and Glenmore Ridge Drive.</p> <p><u>Stage 2</u> Construction of basement and Block A, B and C ground level commercial and retail, retail promenade and public domain areas, awnings and roof over (first floor slab), at-grade car parking, landscaping and stormwater works and installation of commercial signage. The display suite and cafe will be converted into a car wash and cafe.</p> <p><u>Stages 3, 4 and 5</u> Blocks A, B and C residential apartments respectively.</p> <p>To ensure resident and customer safety, a condition of consent is recommended to require that the staging is altered to allow for the construction of residential units above in sequence with the delivery of the commercial below.</p>
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<p>Privacy, Solar Access and Amenity</p> <ul style="list-style-type: none"> - Privacy will be non-existent to the people living in the houses facing on to the site and to the primary school children in the school that is due to be built opposite the site; due to the units. - The height of the structure will directly block out sunlight reducing the effectiveness of...solar panels. - The height of the proposal will directly block sunlight to all adjacent properties...the blocking of the sun will reduce the effectiveness of my investments made into renewable energies...and my ability to utilise the sunshine to heat my home in winter and dry my clothes on my outdoor clothes line. - The extra volume and noise from vehicular and foot will impact residents in surrounding streets. - Any fire alarms/security alarms within the unit and shopping complex will interfere with the comfort of surrounding residences. - The childcare center will increase noise levels during the day. - ...It will overlook the Primary School including its playground...has legislation to protect the privacy of the primary school been considered?...(the school) will also bring traffic and congestion. - The retail section alone is too large for the site and the area. 	<p>The setbacks and distances between the units and surrounding dwellings will limit direct and downward overlooking. The school site is expected to have structures that will assist in protecting children's privacy.</p> <p>Submitted shadow diagrams indicate compliant levels of solar access is maintained to surrounding residential dwellings.</p> <p>It is agreed that truck and other vehicle movements in the site's vicinity will increase and that there will be some impact on existing levels of amenity, although it is considered that these are not unexpected by the development standards applicable to the site or by the permissible uses in the zone.</p> <p>Conditions of consent are recommended to assist in reducing noise from loading and delivery areas, and the childcare centre.</p> <p>Conditions of consent are recommended requiring the re-submission of the Noise Assessment Report, and alterations to the building to assist in reducing the impacts of noise from the childcare centre on shop top housing residents.</p> <p>It is not expected that alarms at the site will be of a frequency that would render the proposal unsupportable.</p> <p>The proposed area of retail will assist in providing services to residents and includes a mixture of smaller scaled retail, a major retailer, cafe, food shops, a medical centre, a chemist and provides for day care needs and is not in conflict with the zone objectives or the DCP controls.</p>
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<p>Geotechnical Matters</p> <ul style="list-style-type: none"> - In 2007 surveys: Soils were found to be highly sodic, increasing the risk of structural stability and recommendations were made to minimise cut and fill operations - from Geotechnical Report 2019. Soils are still at risk of localised surface movement. Consideration should be given to additional borehole drilling and lab testing prior to any construction. - Consideration should be given to inspection pits carried out for the existing adjacent buildings and infrastructures, particularly where they fall within the zone of influence. This should be carried out prior to any demolition or excavation. - Care will be required to ensure adjacent buildings and infrastructures are not damaged...by excavation and vibration. - It is critical from geotechnical perspective to maintain the stability of adjacent structures...a dilapidation survey report must be done on adjacent properties...we hold great concerns for the structural well being of our property. 	<p>The recommendations of the geotechnical report will form part of the approved documentation. The applicant will utilise the geotechnical report to inform the engineering plans for the development.</p> <p>The basement excavation is limited to the site and is sufficiently setback from any dwellings surrounding. A condition of consent is recommended which will require the submission of a dilapidation report related to Council's nearby infrastructure.</p>
<p>Construction</p> <ul style="list-style-type: none"> - The construction of such a large building that would require digging deep into the earth will create dirt build up in the surrounding houses. Are we able to get compensation for cleaning our exterior both front and back yards as over the years ..and outdoor furniture are constantly in need of washing...? 	<p>Conditions of consent are recommended with regard to dust and soil and sediment control. No compensation is proposed for cleaning of local resident houses.</p> <p>The construction of the site will be temporary whilst works are undertaken which is not unexpected for the development of the site.</p>
<p>Bushfire</p> <ul style="list-style-type: none"> - No new Bush fire Assessment has been carried out for the site, an updated assessment should be conducted. 	<p>The application was referred to the RFS with no objection raised or conditions required.</p>
<p>Waste</p> <ul style="list-style-type: none"> - The placement of waste bins in the loading dock will lead to added noise along with small and vermin. 	<p>A condition is recommended to require that the waste collection and storage areas are kept clean and tidy.</p>

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Children Services	No objections
Development Engineer	Not supported, however conditions provided
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions
Waste Services	No objections - subject to conditions
Traffic Engineer	Not supported, however conditions provided
Community Safety Officer	No objections - subject to conditions
Tree Management Officer	No objections
Social Planning	Not supported

Development Engineer

The application and engineering response was discussed with Council's development engineer and the issues raised are able to be addressed through the imposition of the recommended deferred commencement conditions.

Social Planning

The matters raised by Council's social planner relate to the treatment and impacts of the loading dock on Darug Avenue, the missed opportunities for public art installation and that the applicant has not provided an Emergency and Evacuation Procedures for Child Care Centres document, as is required by the Education and Care Services National Regulation.

As discussed further in this report, it is recognised that the location of the loading dock on Darug Avenue will need careful treatment and will require the recommendations of the submitted noise impact assessment report to be implemented.

The matters raised by the Council's social planner, being those reasons as to why the application was not supported are addressed through the recommended conditions. In particular, those that require alterations to the western elevation to elevate streetscape presentation, those that require public art to be installed prior to the issue of any Occupation Certificate for the development, and those that require the submission of an Emergency and Evacuation Procedures for Child Care Centres document, which addressed the matters set out in the NSW Department of Planning *Child Care Planning Guideline* document and related Regulations.

Section 4.15(1)(e)The public interest

The likely impacts of the proposal have been assessed as acceptable or have been addressed by way of recommended conditions of consent and as such, the proposed development will not generate any detrimental issues of public interest. Basement car parking numbers have been increased as a result of amendments made to the proposal and in response to Council's initial request.

Matters raised in submissions received have been taken into consideration as part of the assessment of the proposal. The development proposal complies with the applicable development standards for the site (noting the written request to vary the 15m Height of Building development standard by a maximum of 900mm) and the uses are permissible in the B2 Local Centre zoning with consent.

The setbacks, streetscape treatments and general design of the development comply with the applicable controls expressed for the site in the Penrith Development Control Plan 2014 and as such, the application can be supported.

Section 94 - Developer Contributions Plans

The following City-wide Section 7.11 development contributions plans apply to the site:

- District Open Space Facilities
- Cultural Facilities

The following Section 7.11 calculations apply to the proposed development.

Calculation for Mixed Use Development					
<i>District Open Space</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
147	x	2	-	0	294
<i>Cultural Facilities</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
147	x	2.4	-	0	352.8
AMOUNTS					
S.7.11 Contributions Plan		Contribution Rate x Calculation Rate			Total
District Open Space		294 x \$2,012.00			\$591,528.00
Cultural Facilities		352.8 x \$182.00			\$64,210.00
		NET TOTAL			\$655,738.00

A review has been undertaken of the Glenmore Park Planning Agreement and no outstanding matters or further contributions are required.

Conclusion

The proposal has been assessed against the relevant environmental planning instruments and policies, including State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy No. 55 - Remediation of Land, State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development, the Apartment Design Guide, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, State Environmental Planning Policy (Infrastructure) 2007, Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River, Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014.

The proposal is found to generally satisfy the aims, objectives and provisions of these policies and is acceptable, subject to the recommended conditions and subject to the satisfactory resolution of the Deferred Commencement Conditions.

The submissions received as a result of the notification and exhibition of the development application have been taken into consideration as part of the assessment of the proposal and matters raised can be either resolved or satisfactorily addressed through the recommended conditions. Matters raised in relation to the location of the loading dock and general objections to the scale, density and traffic impacts of the development have been assessed and it is considered that the design and submitted plans and reports have had adequate regard to the related planning controls and their objectives, and are acceptable.

In relation to the location of the dock area, alternatives have been investigated and were discounted through a series of urban design review panel reviews, and it is assessed that the proposed location will have some impact on existing levels of residential amenity, although the impacts are not considered detrimental, subject to the imposition of relevant conditions of consent. The proposal overall is not considered to have unreasonable impacts given the applicable development standards expressed for the site within the relevant planning instruments.

The proposal is site responsive and is compliant with Council's key development standards and as such, is not contrary to the public interest. The application is therefore worthy of support and is recommended for a Deferred Commencement approval.

Recommendation

1. That DA19/0348 for a 4 storey mixed use development containing basement and surface car parking, ground floor retail, business and commercial tenancies, including a major retail tenant and a childcare centre for 112 children, and 147 shop top residential apartments, and ancillary landscaping and civil works at 90-98 Glenmore Ridge Drive, Glenmore Park, be approved by way of a Deferred Commencement determination, subject to the attached recommended conditions;
2. That the written request to vary to a development standard submitted under clause 4.6 of the Penrith Local Environmental Plan 2010, be supported; and
3. That those making submissions and any concurrence authority, is notified of the determination.

CONDITIONS

General

- 1 The development must be consistent with the stamped approved plans and documents issued by Penrith City Council, the application form, the BASIX Certificate and any other plans or documents approved in respect to Schedule 1 by Council or an accredited Certifier, except as may be amended in red on the approved plans and documents and by the following conditions.
- 2 **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority is to ensure that upper level residential communal trafficable turfed areas are provided with an entry point which is accessible for people with a disability, and is designed in accordance with the relevant Australian Standard(s).
- 3 The approved operating hours are as follows:
 - (a) The major retail tenant (Woolworths) - 6.00am to 10.00pm Mondays to Fridays, 7.00am to 10.00pm Saturdays, and Sundays.
 - (b) The Childcare Centre - 7.00am to 7.00pm weekdays

All delivery and service vehicles generated by the development are limited to deliveries between the hours of 7.00am and 7.00pm seven days.
- 4 **Prior to the issue of any Occupation Certificate** for the relevant Stage and Block, the Principal Certifying Authority is to ensure that mail boxes are installed within the secure area of each lift lobby. No approval is granted for the installation of any mail boxes in the site's street front elevations.
- 5 Prior to the issue of any Construction Certificate, plans are to be amended as follows:
 - (a) The basement chute room for Block C is to be amended to provide for an additional set of dual doors in the northern wall to support movements of service bins.
 - (b) The ground floor chute room for Block A is to be amended to relocate the 1800mm wide -180 degree, outwards opening dual doors to the west facing wall.
 - (c) Each residential dual chute inlet of each Block is to be provided within cupboards with a maximum depth of 150mm.
- 6 No approval is granted for the installation signage as part of this consent. All signage which requires development consent, is to be submitted as part of a separate development application to Council.
- 7 **Prior to the commencement of ground floor car park landscaping at the site**, Penrith City Council is to be provided with a copy (for review and comment) of the final species selection plan and documentation related to the ground floor car park landscaping. Locations, species and pot size are to be nominated.

- 8 **Prior to the issue of an Occupation Certificate**, a Landscape Maintenance and Management Strategy is to be submitted to and endorsed by Penrith City Council. The plan shall include details of the irrigation, including for the landscaped planters located on structure, maintenance schedules and species replacement details for all landscaped elements on the site, for the life of the development.

Landscaping shall be maintained and managed in accordance with the endorsed Landscape Maintenance and Management Strategy.

- 9 The works must be carried out in accordance with the requirements of the Building Code of Australia.
- 10 **Prior to the issue of any Construction Certificate for any stage of the development**, and to ensure that amenity of proposed apartments is not impacted, an amended noise impact assessment and vibration report is to be submitted to and endorsed by the Manager of Development Services at Penrith City Council. The Report is to address all aspect of development including although not limited to; noise from the various uses, plant machinery, noise from the gym and childcare centre uses, vehicle movements, deliveries, waste collection and car park activities.

The report is to specifically assess and provide recommendations as to how noise and vibration associated with the lifts and waste chutes, which may impact adjoining apartments, will be managed for Block B, in particular. The report is to be updated to ensure the assessment takes account of the approved hours of operation for the various component uses approved by the consent and deletes reference to the car wash and ancillary cafe.

Prior to the issue of any Occupation Certificate for the relevant stage, the Principal Certifying Authority is to ensure that the recommendations of the endorsed Noise Impact Assessment are to be implemented in the construction of the development.

- 11 **Prior to the issue of a Construction Certificate**, a copy of the final materials and finishes schedule is to be submitted to Penrith City Council for Council's review and endorsement.
- 12 The proprietor of any food business shall ensure that the requirements of the NSW Food Act 2003, NSW Food Regulation 2010 and the Australian and New Zealand Food Standards Code are met at all times.
- 13 No establishment or introduction of a paid parking scheme is permitted for the shopping centre car parking.
- 14 Prior to occupation of each tenancy within the building, separate approval is to be obtained for the use of each tenancy (as may be required), with the exception of the major retail tenant and the childcare centre.
- 15 The development shall not be used or occupied until an Occupation Certificate has been issued.

A satisfactory inspection from an authorised officer of Council's Environmental Health Department is required prior to the issue of the Occupation Certificate. The occupier is to contact the Environmental Health Department to organise an appointment at least 72 hours prior to the requested inspection time.

16 **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority is to ensure that way-finding signage is installed which:

- is visible from the street frontage and directs visitors and residents to each lift lobby area,
- is visible from the publicly accessible ground floor arcade links, which will direct people to the location of amenities, included to lifts, public toilets, parents and carers amenities and accessible amenities, and
- is located in each lift and lobby area which provides information as to where a person is, in relation to a site map.

Advisory notes:

(a) Signage must be strategically located at entrances and near activity nodes such as intersections of corridors or paths.

(b) Signage should be large and legible with strong colours, standard symbols and simple graphics, and should indicate where to go for help or assistance.

17 Any skin penetration business are to be registered with Penrith City Council by completing Council's "Skin Penetration - Registration of Premises" form. This form is to be returned to Council prior to the issue of the relevant Occupation Certificate and commencement of the business.

18 The business is to be registered with Penrith City Council by completing the "Registration of Premises" form. This form is to be returned to Council prior to the issue of the Occupation Certificate and operation of the business.

19 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repared. All outdoor furniture must be sturdy and well secured to minimise opportunities for vandalism or theft.

Advisory notes:

(a) Graffiti resistant coatings are to be used to external surfaces where possible, including signage, furniture, retaining walls and the like.

(b) Procedures should be put in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, and common areas. This includes documenting and reporting incidents to police and/or relevant authorities.

20 A **Construction Certificate** shall be obtained prior to commencement of any building works.

- 21 A minimum of 15 apartments shall be constructed as adaptable apartments to meet the requirements for persons with a disability and in accordance with the stamped approved plans. Each adaptable unit shall each be allocated a minimum of one accessible car parking space compliant with AS 2890.6. Adaptable apartments shall be evenly distributed throughout the building and are not to be concentrated in any one area or on an one level and waste chute doors for each level are to be accessible.

The Construction Certificate application must be accompanied by certification from a person suitably qualified by the Association of Consultants in Access Australia confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS 4299-2009). A Compliance Certificate in this regard, shall be provided **prior to the issue of an Occupation Certificate.**

- 22 No amplified music or PA systems are permitted to be operated from any of the ground floor or mezzanine commercial, business or retail tenancies including any gyms, swim schools or fitness facilities.

The use of trolley tractors is restricted to be between the hours of 8.00am to 6.00pm daily.

- 23 **Prior to the issue of the final Occupation Certificate** for each Stage of the development the Principal Certifying Authority to be provided with evidence that the nominated public art relevant to that Stage of the development, is completed and is installed, in accordance with the endorsed Public Art Plan.
- 24 Prior to the issue of any Occupation Certification for the relevant stage, the principal certifying authority is to ensure that:
- (a) A speed hump is to be installed approximately 8m from the Glenholme Drive entry/exit point to the at grade car parking to ensure entering and exiting drivers are at a low speed in proximity to the child care centre, and
 - (b) Footpaths which cross basement entry driveway/ramps are to be provided with 'rumble strips' of cobbles or tactile markers along flanks of the driveway crossing to alert approaching pedestrians.
- 25 **Prior to the issue of a Construction Certificate for the relevant stage**, and in accordance with the requirements of the Child Care Planning Guideline and Regulation, an Emergency and Evacuation Plan is required to be submitted to the Manager of Development Services at Penrith City Council for review and endorsement. The Plan is to address Regulations 97 and 168 and section 4.8 of the Child Care Planning Guideline.

- 26 Car parking and vehicle access points, pedestrian pathways, lobby areas, stairwells, garbage rooms, laneways and pedestrian access routes in outdoor public spaces should be lit to the minimum of Australian Standard 1158 and the following design requirements:

- (a) Lighting is to be consistent in order to reduce the contrast between shadows and illuminated areas.
- (b) Lighting is to be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.

Advisory Notes:

- Lighting should be directed towards access/egress routes to illuminate potential offenders, rather than towards the building or observation points.
 - Lighting is to take into account vegetation and landscaping that may act as an entrapment point and should be designed to avoid vandalism.
 - Where appropriate movement sensor lighting may be incorporated.
 - Lighting shall be maintained and kept in good working order.
 - Appropriate directional signage is to be installed to assist with way-finding.
 - All surfaces in the car parking areas should be light in colour to reflect as much light as possible.
- 27 The following Crime Prevention Through Environmental Design matters are to be incorporated in the design of the building:
- (a) User/sensor electronic security gates/doors shall be installed at the car park entrances/exits.
 - (b) Each individual apartment is to be clearly numbered and each level of the building is to be easily identifiable when viewed from the lift.
 - (c) Glazing to the ground floor entry lobby is to be full height and clear and unobstructed to allow a view to the lift.
 - (d) CCTV recording is to be provided to cover the frontage of the site to Deerubbin Drive, Darug Drive and to cover the residential lobby and pedestrian access way along Glenmore Ridge Drive and along internal ground floor retail walkways.
- 28 **Prior to the issue of an Occupation Certificate for the relevant stage**, a final loading/delivery dock management plan is to be submitted to Council for approval. The plan is to incorporate the recommendations of the endorsed Noise Impact Assessment and is to detail the hours of operation of the dock, and the management of vehicles to ensure queuing on the street and excessive noise is limited.
- 29 No security shutters, roller doors, bars or the like are permitted to be fitted to the external glazing of the ground floor tenancies.
- 30 Ground floor shop front glazing shall not be covered by frosting or otherwise rendered opaque by covering, advertising, stickers, decals or the like for greater than 25% of the glazing attributed to each individual tenancy.
- 31 All roof mounted plant, ducting or services infrastructure shall be screened from view. No approval is granted for the installation of ducting, conduit, plant or services infrastructure, including down pipes and balcony drainage, on the external facades of the building.
- 32 The operator of the site is to ensure that the grounds of the shopping centre and car parking areas are kept clean and tidy, that rubbish is removed, and that shopping trolleys are regularly collected from the at grade car park and from surrounding streets and parks at the cost of the operator.

- 33 No signage is permitted to be fixed to the awning fascia, other than that which is indicated on the stamped plans. No signage is to be positioned above the awning or fixed to the upper level facade of the residential building. All tenant signage is to be located under the awning and is to be 'hamper style' perpendicular to the elevation of the building, to which it is attached.

Prior to the issue of an Occupation Certificate, a signage strategy shall be submitted to Council for approval in accordance with Clause E11.8.4.13 of Penrith Development Control Plan 2014. The strategy is to:

- (a) identify the preferred locations and quantum of all building identification and business identification signage;
- (b) include a palette of preferred materials, signage types and graphic style;
- (c) outline any illumination requirements and/or restrictions so as to consider its impact on adjacent properties and uses;
- (d) promote a high quality, coordinated approach to signage within the Village Centre and minimise visual clutter;
- (e) include details of any way-finding signage.

- 34 A minimum of three bin enclosures are to be provided along the street frontages of the site. Details and a plan identifying the location of all street furniture is to be provided to the satisfaction of Penrith City Council and concurrence must be obtained from Penrith City Council prior to installation. Evidence of concurrence is to be provided to the Certifying Authority **prior to the issue of an Occupation Certificate**.

Advisory note:

Confirmation of the preferred locations for, and the product specifications of the required bin enclosures are to be sought from Penrith City Council's Engineering Services, prior to bin installation.

- 35 Street tree planting at 10m centres is to be provided to all street frontages to the satisfaction of Penrith City Council. In this regard, concurrence must be obtained from the Manager of Development Services at Penrith City Council prior to the planting of the trees, the selection of species and pot size. Evidence of concurrence is to be provided to the Principal Certifying Authority. Where street trees need replacing or are to be relocated, the works are to be undertaken in consultation with Penrith City Council who are to confirm species, pot size (minimum 75L) and final locations.

The Principal Certifying Authority is to ensure that the street trees surrounding the development adjacent to the subject site, have been installed and are thriving **prior to the issue of an Occupation Certificate**.

Advisory note: Works in the road reserve may require approval under the Roads Act.

- 36 **Prior to the issue of any Occupation Certificate for the relevant stage**, the Principal Certifying Authority is to ensure that:

- (a) User/sensor electronic security gates shall be installed at the basement car park entrance/exits, lifts, stairwells and other entry points,
- (b) Intercom, code or card locks or similar are installed for all entries to the residential buildings,
- (c) All areas of the car parks are well-lit, with consistent lighting.
- (d) Basement car park surfaces including walls and ceilings are light coloured to assist in safety and visibility.

Heritage/Archaeological relics

- 37 If any archaeological relics, or items or places which may be significant to Aboriginal people are uncovered during the course of the work, no further work shall be undertaken until directed by Penrith City Council and the NSW Heritage Office.

The applicant is advised that depending on the possible significance of that which is discovered, an archaeological assessment and an excavation permit under the Heritage Act 1977, may be required before any further work can be recommenced in that area of the site.

Environmental Matters

- 38 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.

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 until the land, that was subject to the works, has been stabilised and grass cover established**. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

- 39 Dust suppression techniques are to be employed during works to reduce any potential nuisances to surrounding properties.
- 40 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.

- 41 **Prior to the issue of any Occupation Certificate for any Stage of the development**, the Principal Certifying Authority is to ensure that:

- (a) Residential waste collection doors and access points (waste collection room, bulky waste room etc) are lockable by Council's Abloy Key System.
- (b) All waste collection and storage rooms (commercial and residential) are provided with hot and cold water for washing, a hose cock and that floors of the waste collection and storage rooms are drained to a floor waste, which is connected to the sewer.
- (c) Residential waste collection rooms to be provided with 180 degree, outwards opening dual self-closing doors.
- (d) Residential waste storage and collection areas including chutes are secure and do not allow cross contamination with commercial waste.
- (e) Height clearances are provided which permit waste collection by Council's standard waste collection vehicles.

Advisory note: Council's standard waste collection vehicle specifications are outlined in Section 2.3 of Council's Residential flat building waste management guideline document.

- 42 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.

- 43 Noise levels from all premises within the development shall not exceed the relevant noise criteria detailed in 'Noise Impact Assessment - Proposed Mixed-use Development' (18-2201-R2) for 90-98 Glenmore Ridge Dr, Glenmore Park prepared by Reverb Acoustics dated June 2020. 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 will be 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 a Construction Certificate.

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

- 44 The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 45 **Prior to the issue of any Occupation Certificate for the relevant residential Stage**, the proponent is to enter into an agreement with Penrith City Council for the utilisation of Council's Waste Collection Service. This is to include Council being provided with indemnity against claims for loss and damage.

Advisory note: By entering into an agreement with Council for waste collection, the development is required to operate in compliance with the stamped approved plans and waste management plan. The commencement of Council's waste collection service will not commence until finalisation of the agreement.

- 46 All vehicle washing, engine degreasing and steam cleaning shall be conducted in a wash bay approved, installed and connected to the sewer in accordance with Sydney Water's requirements.
- 47 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.
- 48 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.
- 49 All waste collection and storage areas are to be kept clean and tidy for the life of the development. All doors and vents are to be protected against vermin infestation and regularly inspected and cleaned (jet washed).
- 50 Any liquid discharge from the air handling system, resulting from operation, maintenance and/or cleaning operations, are to be disposed of into the sewer system. Discharge into the stormwater disposal system is not permitted.

51 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 and any Principal Certifying Authority. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

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

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of 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 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."}

BCA Issues

- 52 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:
- (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
 - (c) 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.

- 53 The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:
- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Health Matters and OSSM installations

- 54 The construction, fit out and finishes of any food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS 4674-2004 *Design, Construction and Fitout of Food Premises*.
- 55 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 relevant Occupation Certificate for the Stage, and prior to operation of the system.

There must be safe and easy access to a regulated system (as defined in the Public Health Act 2010) for the purpose of the cleaning, inspection and maintenance of the system.

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

- (a) if the system is installed before he or she becomes the occupier, within one month after he or she becomes the occupier, or
- (b) 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 Penrith City Council within 7 days of any change of details.

- 56 Air-handling systems, hot-water systems, humidifying systems, warm-water systems and water-cooling systems shall be operated and maintained in accordance with the Public Health Act 2010, Public Health Regulation 2012, AS 3666.2:2011 *Air-handling and water systems of buildings – Microbial control - Operation and maintenance* and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease

The water-cooling system shall be operated and maintained in accordance with the Public Health Act 2010, Public Health Regulation 2012, AS 3666.3:2011 *Air-handling and water systems of buildings – Microbial control – Performance-based maintenance of cooling water systems* and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease.

- 57 Any person carrying out any of the following skin penetration procedures shall ensure that the requirements of the Public Health Act 2010, Public Health Regulation 2012 and the current NSW Health Guidelines on Skin Penetration and Code of Practice are met at all times:

- Tattooing
- Unregistered acupuncture and dry needling practitioners
- Ear/body piercing
- Hair removal
- Colonic lavage
- Cuticle cutting
- Microdermabrasion
- Any procedure (whether medical or not) that involves skin penetration and includes any procedure declared by the regulations to be a skin penetration procedure, but does not include:

(a) any procedure carried out by a health practitioner registered under the Health Practitioner Regulation National Law, or by a person acting under the direction or supervision of a registered health practitioner, in the course of providing a health service, or

(b) any procedure declared by the regulations not to be a skin penetration procedure (i.e. laser hair removal).

- 58 Cooking appliances which exceed a total maximum power input of 8kw for electrical, or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard AS 1668, Parts 1 & 2.

Detailed plans together with calculations for the system must be provided as part of the development application or as part of the Construction Certificate application.

The exhaust hood must completely cover the equipment to be ventilated and extended at least 200mm beyond the perimeter of the equipment. The exhaust hood must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. Where abutting walls are located the hood must be constructed so as to finish flat against the wall surface.

The low edge of a canopy type exhaust hood must be at least 2000 mm above floor level.

Prior to the issuing of an Occupational Certificate, and operation of the business, the exhaust system shall be certified by an appropriately qualified person to comply with the Building Code of Australia and Australian Standard AS 1668, Parts 1 & 2. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority.

- 59 The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other approved material to a height of 2 metres. The intersection of tiles and render must have a flush finish, or be splayed at a 45 degree angle to eliminate a ledge that would allow dust and grease to accumulate.
- 60 The grease arrestor must not be installed in any kitchen, food preparation or food storage area. The grease arrestor shall be installed in accordance with Sydney Water's requirements.
- 61 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.
- 62 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.

When an air handling, hot water, humidifying, warm water or water cooling system is installed a certificate is to be obtained certifying that the system has been installed in accordance with the Public Health Act 2010, Public Health Regulation 2012 and AS 3666.1:2011.

- 63 In relation to spray misters, the system shall be designed, installed and maintained to prevent the growth of Legionella in accordance with the Public Health Act 2010, Public Health Regulation 2012 and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease. The occupier is required to register with and notify Council of the existence of the warm-water system.

The system should be designed to ensure that trays and sumps are graded to avoid collection of condensate or water (AS 3666.1:2002 2.8.3 and 2.9.1). Line strainers, valves, sparge pipes, spray nozzles and components discharging moisture into the air stream shall be inspected monthly and cleaned where necessary (AS 3666.2:2002 2.3.3.1).

Any chemicals used must be suitable for spraying on food (if applicable) so that it is not rendered unsafe or unsuitable.

- 64 The walls and floor of any medical treatment room/s or businesses which include skin penetration are to be constructed of materials that are durable, smooth, impervious to moisture and capable of being easily cleaned. No exposed brickwork or carpet is permitted in these areas.
- 65 Public waiting areas and toilets in the premises shall be maintained in a clean and hygienic condition free from a build up of waste at all times

- 66 In relation to premises with X-ray devices, the ionising radiation apparatus is to be registered with the NSW Office of Environment & Heritage (OEH) prior to its use. Guidance may be obtained from the NSW EPA guidelines "*Radiation Guideline 6 - Registration requirements and industry best practice for ionising radiation apparatus used in diagnostic imaging*". Any X-ray device must incorporate all necessary safety features to prevent exposure to radiation in excess of that permitted by the *Radiation Control Act 1990* and Regulations and any other relevant legislation, code or standard.
- 67 The construction and operation of the premises shall comply with the NSW Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2000.
- 68 All nail salon premises are to be ventilated to remove chemical odours and dust in accordance with AS 1668, the *Protection of the Environment Operations Act 1997* and any SafeWork NSW requirements. Certification that any required ventilation system complies with the above requirements shall be submitted to Penrith City Council prior to the issue of the relevant Occupation Certificate, and commencement of the nail salon business.

Utility Services

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

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

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

In the event that a pad mounted substation is necessary to service the development, Penrith City Council must be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council. Confirmation is to be provided that a blast wall or other protective structure is/is not required.

- 71 **Prior to the issue of the Construction Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
- The requirements of the Telecommunications Act 1997;
 - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

- 72 **No approval is granted for free standing fire hydrant booster sets, heat shields or the like along the street frontages of the development. All fire hydrant boosters are to be integrated into the design of the building and are to be located within cupboards and the like.**

Prior to the issue of a Construction Certificate, Penrith City Council must be consulted over the location of the Fire Services infrastructure as the location of the booster or heat shields may impact on other services and building, driveway or landscape design already approved by Council.

- 73 No approval is granted for the the installation of electrical substations, other than those shown in the identified locations on the stamped approved architectural plans.

Construction

- 74 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.

75 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 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, a hoarding or fence must be erected between the work site and the public place:

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

76 Construction 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 that 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.

Engineering

- 77 All roadworks, stormwater drainage works, signage, linemarking, associated civil works and dedications, required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.
- 78 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

79 Prior to the issue of any Construction Certificate, the Certifier shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with and approved by Penrith City Council (being the Roads Authority under the Roads Act) for the following works in the public domain:

- a) Construction of vehicular crossovers. Vehicular crossovers shall be a minimum 1.0m clear of any existing kerb inlet pits (measured from the top of the layback to the edge of the lintel). Where a vehicular crossover will conflict with an existing kerb inlet pit, the pit shall be converted to a V-grate within the layback and an additional kerb inlet pit provided upstream.
- b) Footpath works where necessary.
- c) Stormwater drainage connection to the existing kerb inlet pit in Glenholme Drive.
- d) Provision of pedestrian refuges on Glenmore Ridge Drive just east of Darug Avenue and on Darug Avenue just north of Deerubbin Drive.
- e) Provision of a raised threshold on Deerubbin Drive where the main pedestrian thoroughfare to/from the shopping centre is located. The raised threshold shall incorporate splitter islands, pram ramps and pedestrian fencing on both sides of the road and shall be designed to accommodate a potential zebra crossing in the future.
- f) Installation of No Stopping signage for the pedestrian facilities and loading dock entry/exit driveways, subject to approval by the Local Traffic Committee.
- g) Installation of bus shelters at the existing bus stops on Darug Avenue just south of Deerubbin Drive. The bus shelters and associated boarding areas shall be fully compliant with the requirements of the Disability Discrimination Act 1992 and Disability Standards for Accessible Public Transport 2002.
- h) Road opening for utilities.
- i) Road occupancy or road closure.
- j) The placement of hoardings, structures, containers, waste skips, signs, etc in the road reserve.
- k) Temporary construction access.

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice.

Contact Penrith City Council's Development Engineering Department on 4732 7777 to obtain a formal fee proposal prior to lodgement and visit Penrith City Council's website for more information.

Note:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate.
- On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

- 80 The stormwater management system shall be provided generally in accordance with the concept plans lodged for development approval, prepared by ING Consulting Engineers, Project No. 116052018DA, Drawing No. 11605-00/9 to 11605/09/9, revision D, dated 03/07/2020 (as may be amended through the material submitted in satisfaction of the Deferred Commencement conditions).

Prior to the issue of any Construction Certificate, the Certifier shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design (WSUD) Policies.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate. The Certifier shall ensure that the engineering plans are fully compatible with the architectural plans.

- 81 Prior to the issue of any Construction Certificate, the Certifier 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.
- 82 Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Council's Asset Management Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS). The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.
- 83 Prior to the issue of a Roads Act Approval, a Performance Bond is to be lodged with Penrith City Council for all civil upgrade works in the public domain.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note:

- Contact Penrith City Council's Development Engineering Department on 4732 7777 for further information relating to bond requirements.

- 84 **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that a geotechnical investigation report and strategy has been conducted to ensure the stability of any adjoining Council owned infrastructure and surrounding residential developments. The geotechnical investigation report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by the Roads and Maritime Services.

- 85 Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

- 86 Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.
- 87 Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that all works associated with a Section 138 Roads Act approval have been inspected and signed off by Penrith City Council.
- 88 Prior to the issue of an Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and 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.

- 89 Prior to the issue of an Occupation Certificate, a restriction as to user and positive covenant relating to the stormwater management systems (including water sensitive urban design measures) 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 Stormwater Drainage Specification for Building Development – Appendix F.
- 90 Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that the stormwater management systems (including on-site detention and water sensitive urban design):
- 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, and;
 - 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.

- 91 **Prior to any works commencing on site**, a Dewatering Management Plan shall be prepared by a suitably qualified professional and be submitted to Council for approval.

The dewatering management plan shall outline how Council's stormwater management infrastructure and receiving waterways will be protected during all aspects of the construction work (including early excavation works). The plan must detail how, both dewatering and pump out of rainwater from the excavations, as well as the discharge of water as a result of construction excavation, will be managed.

The dewatering plan must be implemented at no cost to Council, and works shall not commence until all necessary approvals have been obtained (including an approval to connect to Council's infrastructure). The Plan shall include, but not limited to the following:

- (a) Purpose for dewatering (i.e. an explanation why dewatering, and if any approvals are required)
- (b) Dewatering technique including details of the proposed point of discharge to the stormwater system (or proposed methodology)
- (c) Anticipated dewatering flow rate and total dewatering duration
- (d) Details of all proposed Controls (i.e. settling tank, etc.) and engineering specifications for dewatering effluent treatment (i.e. settling tank, carbon filtration, etc)
- (e) Outline analysis / testing that has been undertaken and how that water quality measures against criteria stipulated below. The DMP is to state that further analysis will be undertaken prior to connection to Council's stormwater system. Water quality is to comply with the following;
 - a. ANZECC/ARMCANZ (2000) Water Quality Guidelines; and
 - b. where guidelines are silent on any elements or chemicals present in testing samples the water discharge is to comply with endorsed guideline and recommendations issued by the EPA.
- (f) The DMP is to stipulate that the release of water into Council's stormwater system is to halt immediately where water quality does not meet discharge criteria.
- (g) Regular reports and water quality results shall be submitted to Council and details of this program shall be included in the plan.

Contact Penrith City Council's City Assets Department on 4732 7777 or visit Penrith City Council's website for more information on any approval requirements.

- 92 Prior to the issue of any Occupation Certificate, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee for the provision of No Stopping signage associated with the pedestrian facilities and loading dock entry/exit driveways. No regulatory signs are to be installed until approval has been granted through the Local Traffic Committee.

Notes:

- Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information on this process.
- Allow eight (8) weeks for approval by the Local Traffic Committee.
- Applicable fees are indicated in Council's adopted Fees and Charges.

- 93 Prior to the issue of any Occupation Certificate, directional signage and line marking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifier.

- 94 Prior to the issue of any Occupation Certificate, a Maintenance Bond is to be lodged with Penrith City Council for all civil upgrade works in the public domain.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note:

- Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information relating to bond requirements.
- 95 The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measures.
- 96 All car parking and manoeuvring must be in accordance with AS 2890.1-2004; AS 2890.6-2009 and Council's requirements.
- 97 Subleasing of car parking spaces is not permitted by this Consent.
- 98 The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.
- 99 All vehicles are to enter and exit the site in a forward direction.
- 100 **Prior to the issue of any Occupation Certificate**, plans are to be lodged with Penrith City Council and are to be approved by the Local Traffic Committee for the provision of Bus Zone signage adjacent to the required bus infrastructure on Darug Avenue. No regulatory signs are to be installed until approval has been granted through the Local Traffic Committee.

Advisory notes:

- (a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information on this process.
- (b) Allow eight (8) weeks for approval by the Local Traffic Committee.
- (c) Applicable fees are indicated in Council's adopted Fees and Charges.

- 101 **Prior to the issue of any Occupation Certificate for any Stage of the development**, the Principal Certifying Authority is to ensure that all residential car parking spaces are numbered and line marked, and that a minimum of 30 car parking spaces within the residential basement are line marked for the use of visitors only.

Car parking allocation and line marking is to be as follows:

- A minimum of one car parking space within the basement residential car parking area is to be provided for the use of each one or two bedroom unit.
- A minimum of two car parking spaces are to be provided for the use of each 3 bedroom unit.
- Each adaptable unit is to be provided with a minimum of 1 accessible parking space.
- A minimum of 14 car parking spaces, inclusive of one accessible space, is to be sign posted and line marked for the use of childcare centre staff and visitors only generally in accordance with the stamped approved plans. Signage is to be erected advising users of these 14 spaces that the childcare centre car parking spaces are for staff and visitors, between the hours of 7.00am and 7.00pm weekdays only.

- 102 Prior to the commencement of any works at the site, the developer shall undertake a dilapidation report for all surrounding buildings (residential and mixed use buildings located opposite) and Council owned infrastructure to verify that no damage occurs due to the excavations associated with the development. If Council is not the Certifier for the development, then the dilapidation report shall be submitted to Council **prior to the issue of any Construction Certificate** and then updated and submitted prior to the issue of any Occupation Certificate for each stage of the development, and is to outline and identify if any damage or changes has/have occurred.

Landscaping

- 103 All landscape works are to be constructed in accordance with the stamped approved plans.

Landscaping shall be maintained:

- in accordance with the approved plans, 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.

- 104 The approved landscaping for the site must be constructed by a suitably experienced landscape professional.

105 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 suitably experienced landscape professional.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

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

106 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 Development Control Plan 2014.

107 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.

108 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 Council's Development Control Plan 2014.

Development Contributions

109 This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$64,210.00 is to be paid to Penrith City Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 plan.

The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule. Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The Section 7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

- 110 This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$591,528.00 is to be paid to Penrith City Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 plan.

The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule. Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The Section 7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

Payment of Fees

- 111 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.
- 112 Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.
- 113 Prior to the issue of a Construction Certificate, an Unexpected Finds Protocol (UFP) is to be prepared by a suitably qualified and experienced land contamination consultant and submitted to Penrith City Council for approval. The approved UFP must be adhered to throughout relevant stages of the development.

Certification

- 114 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.

- 115 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding. A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Schedule 1 (Deferred Commencement)

- 116 Documentation in relation to the approved development is to be amended as follows and is to be re-submitted to Council for approval:

A. Urban Design and Landscape Matters

(a) Additional articulation is to be provided to the brickwork wall adjacent to the Child Care Center at the south-east corner of the site. The height and scale of the wall is to be addressed by the adoption of horizontal breaks at intervals with glazing or slatted elements to allow glimpses in and out, and to break up the apparent expanse of the wall - in addition to the approved landscaping in this area (or other method as agreed in consultation Council).

(b) The proposal does not comply with Apartment Design Guideline separation requirements between the east facing wings of Block A impacting privacy for opposing units (A108, A107, A106 and A109 - typical on all levels). Plans are to be amended to comply with separation requirements. Plans are also to be amended to provide privacy between the north and south facing units B101/B105, C105/C106 - typical all levels. Opportunity(s) to provide for internalised 'residential territories' supporting social interactions - such as wider break out areas with views to common open space or landscaping are to be provided to respond to the length of the Block A corridor.

(c) The stair adjacent to ground floor tenancy AR10 (Grid 10/C1) is to be replaced with a ramp, and the indicative location of the liquor store is to be relocated and is not permitted to present directly to the street front. Child play areas are not to be located in close proximity to the liquor store.

(d) Direct and ramped perpendicular access to the street is to be provided from Glenmore Ridge Drive to residential lift lobby A1 (Grid D/1).

(e) The ground and basement architectural floor plans are to be amended to reflect the Public Domain Landscape Concept plans prepared by Taylor Brammer including the areas for secure bicycle parking, which in total, are to provide for visitor and staff bicycle parking (associated with the business, commercial and retail component of the development) as per the recommended rates detailed within the NSW Government's *Planning Guidelines for Walking and Cycling* document, dated December 2004.

(f) The Public Domain Landscape Concept plans prepared by Taylor Brammer are to be amended and re-submitted to correlate with the architectural plans and the required public art plan and strategy. An additional landscaped planter and canopy tree (in replacement of a car space) is to be provided to the central ground floor car parking aisle, adjacent to the trolley return bay (western side).

(g) The submitted hydraulic plans are to be amended to avoid the locating of below grade on site detention tanks and stormwater infrastructure such as pits and pipes, within or in close proximity to deep soil landscaping such that canopy tree and shrub planting will not be negatively impacted. The landscaping and hydraulic plans are to correlate.

(h) A set of awning plans and/or documentation is to be submitted to Council and are to clearly detail the awning heights and widths in plan, elevation and section, and detail the proposed materials, any under awning lighting, and the relationship with street trees and street lighting poles.

(i) A public art plan and strategy document is to be submitted which details where public art will be located within the development. The plan and strategy is to be detailed in accordance with Council's Place Making and Public Art Policy and Chapter C8 Public Domain, Clause 8.5 Public Art. The Plan shall detail how the nominated public is to be installed prior to the issue of the final Occupation Certificate for each Stage.

(j) Plans are to be amended to be detailed and provide parent/carer amenities in accordance with the requirements of the Penrith DCP, Chapter D5. For developments with a floor area greater than 2000sqm's GFA, parenting rooms and parent friendly accessible toilets are to be incorporated, including a baby care room having a minimum of 30sqm GFA, and these are to be provided with all of the facilities listed for such rooms as set out in Chapter D5.

(k) Plans are to be amended to reduce the area of tenancy MC01 (Medical Centre). This will allow for a smaller or finer grain retail tenancy to be provided with a dual frontage to the main entry arcade east of the lift core, and to Deerubbin Drive and will assist in mitigating the impacts of poor street front activation caused by the large medical centre having street front glazing along its length (fronting Deerubbin Drive).

(l) The architectural plans are to be amended to delete the proposed at grade commercial car wash and associated signage and marked bays and to delete the circular voids located above the child care centre play area, due to impacts of noise on apartments above. To ensure that the facing west residential balustrade is defined and provides a visual break in the height of the loading dock wall, relative to what would ordinarily be the level one slab line, finish BR3, which is currently only proposed to span between grids 5 and 7, is to be extended between grids 1 through to 10.

(m) The architectural plans are to be amended to provide for employee end-of-trip facilities sufficient to cater to the needs of the development. The facilities are to be located in a safe and convenient location and are to provide separated male and female amenities (showers/toilets/change facilities). Secure enclosed staff bicycle parking is to be provided within the commercial basement.

(n) Plans are to be amended to ensure that the residential waste service lift is sufficient in size to accommodate a minimum of 2 x 1100L bins and a staff member.

(o) Amended plans are to detail the design and location of driver side, swipe card/secure entry readers for the residential basement entry ramp. The stopped position of vehicles awaiting roller doors or shutters to open, shall not obstruct the pedestrian way. Security roller doors or shutters are to be recessed accordingly.

(p) Due to the diagonal orientation of the travelators, the basement lobby will not provide

sufficient manoeuvring space for pedestrians and trolleys (1.5m-2m is insufficient). This limited area will result in pedestrians emerging from the lobby without sufficient warning for motorists. A comprehensive re-design of this area is required to address this matter.

(q) Storage rooms and individual cages are to be provided with screen walls which allow filtered sight lines from common corridors and lift lobbies to resolve security and safety issues.

(r) In order to ensure facades achieve satisfactory aesthetics, plans are to be amended to include detailed design sections at 1:50 for each facade type. In relation to concrete elements, design sections are to specify smooth finishes, class 1 as specified by AS 3610 for visible elements, joints between form work panels are to be fully concealed by taping, or visible joints to be aligned with the composition of underlying architectural elements, or surfaces are to be honed or finely acid-etched post pour. Sections are to illustrate fillets and drip grooves where necessary to achieve fine construction tolerances and avoid weather-staining.

B. Traffic and Engineering Matters

(a) The staging plans are to be amended to indicate that the residential component at the upper levels is each delivered in line with the occupation of the commercial tenancies below.

(b) The loading dock area (including vehicular crossings) shall accommodate vehicular access for a 19m articulated vehicle. The vehicular crossings shall be wide enough so a 19m articulated vehicle can enter and exit the site without encroaching the road centre line on Darug Avenue.

(c) The acute bend at the south-western corner of the at-grade car park shall be re-designed to be no less than 90 degrees to avoid corner cutting. Adequate two-way passing of vehicles shall be provided around the bend so there is no conflict with the pedestrian path of travel for the adjoining accessible parking and a minimum of one at-grade car parking space is to be line marked for the use of emergency vehicles only and is to be located adjacent to the motorcycle parking near tenancy BR02 (closest to the medical centre and major retailer).

(d) Residential parking spaces shall be a minimum width of 2.5m to accommodate full opening of doors in accordance with Penrith Development Control Plan 2014 and AS 2890.

(e) The crest in the basement ramp off Deerubbin Drive shall be a minimum of 300mm above the top of kerb level. The crest level and top of kerb level shall be shown on the amended plans.

(f) The south-eastern corner of the medical centre tenancy is to be rounded to mirror the south-western corner of retail tenancy BR06 (or similar) to increase sight distances to pedestrians, noting the future school site opposite and the high likelihood of children on bikes or scooters.

(g) In order to achieve the requisite 413 commercial car parking spaces (as outlined in the Traffic and Parking Impact Assessment, by McLaren Traffic, ref. 18280.03FC, dated 12 June 2020, in Table 2 on page 8), not including any of the (approximately) 76 kerbside car spaces on the site's frontages, the basement commercial car parking provision is to be amended on the plans to provide a total of 207 spaces (an increase of 97 spaces from the proposed 110 commercial spaces in the basement).

There shall be no subsequent reduction in proposed ground level commercial or basement level residential parking provision in order to achieve the increase outlined above.

The Deferred Commencement Conditions must be satisfied **within 18 months** of the date of issue of the consent.

The Deferred Commencement Conditions are deemed to be satisfied by the issue of a formal letter from Penrith City Council confirming that all of the Deferred Commencement conditions have been satisfied, and by the issue of an operational consent.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C6 Landscape Design

A comprehensive set of landscape plans and a concept set of public domain plans have been provided which detail landscaped elements including those in deep soil, on structure and in planters at the ground floor and at the podium and upper levels. Council requested additional detail with regard to a green wall proposed to be installed along the southern facade, due to its orientation and need for specialist experience. A letter was provided from Taylor Brammer Landscape Architects which identifies that a specialist vertical landscape consultant will be engaged for the green wall and provide confirmation that species and orientation will not impact outcomes.

Clause 6.1.3 (6)(a) requires that for planting proposed on structure, a landscape concept plan must outline how the area of planting on structures will be maintained for the life of the development. Details of irrigation and a maintenance and planting strategy have not been provided. To ensure that planting thrives and becomes well established and to ensure that plantings that become damaged or die are replaced, a Landscape maintenance and management strategy is recommended to be submitted and shall include details of irrigation, maintenance schedules and species replacement details which may be implemented for the life of the development.

The DCP requires at 6.1.3 (1), (2) and (3), that landscape design is to enhance the amenity and visual quality of the site and that all sites make a contribution to the streetscape. As discussed elsewhere in this report, an amended set of public domain plans and a set of awning plans are recommended to be submitted to ensure that the location of awnings, street trees, street furniture and street light poles are coordinated and add value and amenity to the streetscape.

Accessibility is to be considered as part of the landscape design and is required by Clause 6.1.4 of the DCP Section. An access statement has been submitted with the application and it is recommended that it forms part of the stamped approved documentation, notwithstanding it is noted that the Report does not address accessibility around the public/private areas of the site and throughout the communal open space. In this regard, a condition is recommended to require that the residential trafficable grassed areas on level one be provided with an accessible entry point.

C8 Public Domain

Objectives of the section include to enhance the quality of the public domain and the natural setting and landscape character of Penrith, to ensure that the public domain is attractive, safe, interesting, connected, comfortable and accessible. The DCP also includes that the public domain shall be enhanced by the built form adjoining it.

The development, subject to the recommended conditions is assessed to adequately respond to the locality and will provide sufficient public domain uplift. The proposal also aligns with the DCP principles surrounding accessible, legible and high amenity public areas and provides for adequate opportunities for passive surveillance and activation of the surrounding streets.

The following is noted in relation to the DCP requirements:

- To ensure that the main entry point from Darug Avenue and the frontage of the site to

Deerubbin Drive are adequately activated and can support needed patronage, a condition is recommended to require that the scale of tenancy MC01 (Medical Centre) be reduced, to allow for a smaller retail tenancy to be provided with dual frontage to the main entry arcade east of the lift core, and to Deerubbin Drive. This will assist in mitigating the impacts of poor street front activation caused by the medical centre having a large floor area and street front glazing along its length. Deerubbin Drive currently will have 5 tenancies opening up to a 190m long frontage with three of those tenancies being a gym, a child care centre, and a medical centre and which will have large volumes of glazing coverage, and minimal retail activation, noting also that the childcare center does not propose an entry point from Deerubbin Drive.

- The proposal to locate an at grade commercial car wash on the corner of Glenholm Drive and Glenmore Ridge Drive is not supported and as discussed elsewhere in this report, it is recommended that this element be deleted from the plans. The design includes a bin area that opens to the street front and limited areas are provided for any landscape screening. The noise from activities and the visual impacts of the car wash on the corner, opposite low density residential development are also assessed as being unacceptable.

C9 Advertising and Signage

The proposal includes the installation of business identification signage as follows:

- 1 x 12m (approximately) high pylon style sign located on the roof of the proposed car wash, at the corner of Glenmore Ridge Drive and Glenholm Drive, constructed of brick and aluminium with illuminated panel feature (5.66m x 2.76m) fixed to structure above roof line.
- 2 x 'Glenmore Village' and 1 x Woolworths 'W' logo sign located above the awning, at the corner of Deerubbin Drive and Darug Avenue above a main pedestrian entry with LED back-lit individual lettering and concealed fixings.
- 1 x 'Woolworths' east facing, awning fascia sign facing the at grade car parking.
- 1 x 1.45m high floor mounted illuminated 'Glenmore Village' sign, located along south elevation (Deerubbin Drive) near pedestrian entry.

General objectives of the Section include to ensure that all advertising and signage is high quality, is responsive to the architecture and landscape setting of related location and character of the area, and to ensure that no safety or other amenity impacts result from its installation. Further, Clause 9.2(C)(3) Inappropriate Signs, states at (a)(xiii) that, pole or pylon signs are not supported, except for industrial, business park, service station or shopping centre uses which are permitted one pole or pylon sign with the maximum height not in excess of 7m.

Clause 9.3(C)(3) and (4) require that the siting and design of signs is to ensure that amenity and visual impacts to adjoining properties are kept to a minimum, and that signs are to be sympathetic to the existing character of the area. Clause 9.3(C)(5) and (6) state that one building identification sign is permitted in residential areas and that it is not to exceed 3sqm or one third of the length of the building, whichever is the lesser, and must not be illuminated.

The height, location and proposed illumination of the pylon sign are not supported due to negative streetscape, local character and amenity impacts. It is noted in particular that the illumination and scale of the pylon sign will overbear on nearby low density dwellings. Other signage proposed does not comply with the above mentioned DCP requirements and/or is not provided with sufficient detail to allow an assessment of the impacts on local character, streetscape or on nearby residential amenity (or on the amenity of residential apartments above) and in this regard, it is recommended that all signage be deleted from the plans and that the applicant apply for signage as part of a separate development application.

C10 Transport, Access and Parking

The DCP requires at 10.1(C)(1) that a Transport Management and Accessibility Plan (TMAP) is to be prepared for all significant developments and it is noted that a TMAP has not been submitted in support of the development.

10.1(C)(2) states that new developments that will have potential significant public transport patronage are to be located close to transport nodes or networks. As detailed elsewhere in this report, the site and boarder subdivision is not serviced by rail and relies solely on private transport options with the exception of a local bus service. There are two bus stops which are located within walking distance to the development as follows:

- One near the corner of Glenmore Ridge Drive and Bluestone Drive which is 145m and 180m (approach and departure) walking distance from the most north-western corner of the subject lot, and
- One near the corner of Deerubbin Drive and Darug Avenue approximately 51m and 60m (approach and departure) south of the most south-western corner of the subject allotment.

As no bus stops practically service the development, a condition of consent is recommended to require that prior to the issue of an Occupation Certificate for the development, the applicant is to liaise with Council and the local bus company to ensure the provision of covered bus stops (approach and departure) that service the shopping centre.

10.5.1 Parking of the DCP requires at (C)(1)(d) that for commercial developments providing employment for 20 people or more, bicycle parking is to be in secure and accessible locations, and is to be provided with weather protection; and that bicycle storage facilities and shower/change facilities are to be made available to all occupants of the building. The proposal does not comply with the DCP and in this regard, and a condition of consent is recommended to require end-of-trip facilities to be provided.

The DCP requires parking to be provided for the development at the following rates:

Residential

- 1 space per 1 or 2 bedrooms
- 2 spaces per 3 or more bedrooms
- 1 space per 40 units for service vehicles
- 1 space per 5 dwellings for visitors
- 1 space per 50 units for carwash (max. 4)

The proposal requires 161 residential, 30 visitor, 3 car wash and 4 service spaces. The proposal is for 161 residential, 30 visitor, 3 car wash and 3 service spaces. The proposal achieves compliance with the required residential car spaces, with the exception of one service space although is considered acceptable.

Childcare Centre

- 1 space per 10 children
- 1 space per employee

The proposal for 112 children being 32 x 0-2 years, 30 x 2-3 years and 50 x 3-5 years will require (as per the Education and Care Services National Regulations) 19 staff. The DCP requires 30 spaces for the childcare component. The proposal is for 11 spaces in total. It is noted that the RMS Guide to Traffic Generating Developments provides a rate of 1 space per 6 children. If utilising this rate, a total of 19 spaces would be required. It is assessed that it is

likely that a percentage of those utilising the childcare facility would reside in the immediate vicinity of the site, including in the apartments above and that a portion of those picking up or dropping off children would also visit the shopping centre. In this respect, the shortfall of spaces is considered to be acceptable in the circumstances.

Notwithstanding, as there are 3 car parking spaces located immediately adjacent to the childcare centre marked car parking (east) and within the same row, it is recommended that these be marked as childcare centre visitors only, taking the number of childcare parking spaces up to 14, closer to the RMS rate required. It is also noted that signage could be installed to allow the utilisation of the childcare spaces for the general use of shopping centre patrons after hours and on weekends. Relevant conditions of consent are recommended.

The proposal for 316 (110 basement and 206 surface) car parking spaces to service the commercial component of the development is generally considered to be acceptable as a portion of those utilising the centre will reside above it or in close proximity to it, noting also the recommended conditions surrounding increased bicycle parking and end-of-trip facilities, the ability for combined purpose trips, and the ability for the childcare parking to be utilised by the general public after hours.

Notwithstanding the above, Council's Traffic Engineering unit has objected to the number of parking spaces proposed and their recommended condition requiring an additional 97 basement commercial car parking spaces to be provided is recommended to be included and is noted to be based on the submitted Traffic Study.

The DCP requires at (k), that for residential development, other than a single residence, the minimum space width shall provide for full door opening in accordance with Table B1 of AS 2890.1 - 2004. It is noted that residential parking is not provided compliant with this dimensional requirement and as such, a condition of consent is recommended to be included to require the residential basement layout to be amended to comply.

Clause 10.6 Pedestrian Connections

The proposal has been assessed against this clause and is found to be acceptable. The proposal includes to construct a raised pedestrian crossing midway along Deerubbin Drive and opposite the future school site, as well as two pedestrian safe havens at Darug Avenue and Glenmore Ridge Drive. Street lighting is existing and under awning lighting is required to be provided through a condition of consent. Noting also that street lighting and awning clash, a set of awning and public domain plans are also required to be submitted to ensure no adverse outcomes occur.

Clause 10.7 Bicycle Facilities

This section of the DCP requires end-of-trip facilities to be provided for development with more than 20 staff and requires bicycle parking to be provided in accordance with the Planning Guidelines for Walking and Cycling document. This is also discussed elsewhere in this report and relevant conditions of consent are recommended.

C12 Noise and Vibration

A Noise Impact Assessment prepared by Reverb Acoustics, dated February 2019 was submitted with the application and was updated with version dated June 2020. The Assessment identified nearby residential dwellings and the apartments of the proposed development as receivers and identified potential noise sources from the development as being the gym, retail outlets, noise from vehicles entering and leaving the site, trolley return, garbage collection, truck and delivery activities and noise from plant machinery. The report recommends

construction materials and arrangements and concludes that the development will be site suitable.

In accordance with the recommendations of the Noise Assessment, a condition is recommended to require that those acting on the consent provide plans of the finalised plant machinery layout to the Acoustic Consultant for their review, prior to the issue of any Construction Certificate. The proponent acting on the consent is to implement any recommendations.

A condition of consent is also recommended to require the recommended acoustic measures of the noise impact report (dated June 2020) to be implemented with the exception of the hours of operation which are stipulated in the consent or subject to a future development application.

In addition to the above, it is assessed that there will be unacceptable impacts on the amenity of future upper level apartments within the development as a result of the location of lift cores and waste chutes sharing a wall with bedrooms and living areas of units. The arrangement particularly affects units adjacent to the dual chutes and lift cores in Blocks A and B. To ensure that amenity of affected apartments is not impacted, a condition of consent is recommended to be included to require the submission of an amended noise impact assessment report to Council for endorsement, which addresses this aspect of the design and related impact of vibration.

D5 Other Land Uses

D5.5 Parent Friendly Amenities

The proposed parent/carer rooms are limited in capacity and will not effectively serve the users of the shopping village and are not designed in accordance with the DCP requirements. A condition of consent is recommended to require that plans are amended to provide parent/carer amenities in accordance with the requirements of the DCP. For developments with a floor area greater than 2000sqm's GFA, parenting rooms and parent friendly accessible toilets are to be incorporated, with the baby care room having a minimum of 30sqm GFA, and these are to be provided with all of the facilities listed for such rooms as set out in the DCP.

E7 Glenmore Park

Part B - Glenmore Park Stage 2 of Section E7 of the Penrith Development Control Plan 2014 (DCP) applies to the subject site. A detailed assessment against the sections of this part is provided below.

7.4.1.5 Concept Plans

The DCP requires that a concept plan setting out proposals for the development of each precinct or site is required to be lodged and approved by Council prior to, or with, the first subdivision development application for each precinct. The concept plan is approved for the subdivision to which this site relates. The DCP already includes a structure plan for the area and Figure E7.33 includes a concept Neighbourhood Precinct Structure map for the subject lot, the adjacent future school site and identifies road hierarchies, green space corridors, landscape, street trees and parking areas, dwelling yields and transport mapping, and the location of active open space areas.

7.4.2.2 Urban Structure

The proposal is assessed to satisfy the urban structure objectives of this section, in that the development will provide for a neighbourhood centre in the nominated location as a focal point for the community and adjacent to the future school and active open space areas. The development proposal aligns with the DCP structure plan at Figure E7.15.

7.4.2.3 Dwelling Yield

Objectives of the section include:

- to ensure efficient use of zoned land and required infrastructure is achieved
- to sustain services and facilities required for diverse urban communities, including public transport
- to promote a diverse range of housing types and affordable housing opportunities, and
- to achieve a dwelling density of 15 dwellings per hectare over the Net Developable Area

The development will provide for 147 new dwellings in the form of residential units, having a mix of sizes and layouts, located in close proximity to shops, services, open space, a future school, child care facilities, shared pathways and a bus route. The proposal complies with the objectives of the clause.

Applicable controls of the clause include that a minimum of 1,628 dwellings are to be delivered across the entire release area, and that specific precincts as identified at Figure E7.16, are to deliver the dwelling yield indicated. Figure E7.16 requires a minimum of 239 dwellings to be delivered. Existing dwellings within the precinct (Precinct A) are in excess of 250 and as such, the applicable control is satisfied.

7.4.2.4 Dwelling Diversity

Table E7.1 provides indicative housing types densities for each precinct. The subject site is located in Precinct A, which is identified to deliver 50 apartments and studios. The proposal will provide well above this indicative value and proposes 147 apartments.

7.4.3.1.3 Water Management

Applicable objectives of the clause include to ensure that Mulgoa Creek and Surveyors Creek are able to function as healthy, natural riparian corridors and to ensure that the quality and volume of water leaving urban areas does not adversely impact upon the health of nearby waterways. Council's Waterways officer has reviewed the plans and has not raised significant objections, subject to the recommended conditions inclusive of the requirement to submit a Dewatering Management Plan to ensure waterways are not impacted by the development and related civil or bulk earthworks. Further, concept hydraulic plans have been submitted which indicate adequate on site detention is proposed.

7.4.3.2.1 Urban Structure

Applicable objectives of the clause include to provide a safe and efficient movement network for all users, and to promote active transport options. Performance measures of the clause include that the vehicle, cyclists and pedestrian networks, land-use mix and lot density assist in reducing local vehicle trips, travel distances and speeds, maximising public transport effectiveness, and encouraging walking and cycling to daily activities.

The development will provide a total 507 car parking spaces at grade and in the basement for the use of residents, visitors and customers to the site, inclusive of three residential car wash spaces in the residential basement. The residential basement also provides for 73 bicycle spaces for the use of residents and their visitors.

It is not identified however, that bicycle parking spaces are provided for the use of staff and customers of the ground floor commercial and retail shops and businesses which does not align with the DCP objectives and controls surrounding supporting modal shift and active transport options. A condition is recommended to be included to require that bicycle parking be provided in various locations including at grade, and near the pedestrian entry points,

compliant with the rates provided by the NSW Government's Planning Guidelines for Walking and Cycling document, dated December 2004. It is assessed that subject to the above mentioned condition, the proposal is acceptable having regard to the clause.

7.4.3.2.3 Public Transport

Objectives include to increase opportunities for use of public transport, to enable the efficient operation of a bus route on designated roads and to encourage the early introduction of bus services within the estate. It is noted that bus stops have not been installed within the precinct in strict alignment with the DCP Figure E7.22 and that existing bus stops are not located in close proximity to the proposed shopping village. Council has communicated with the bus company that covered bus stops will be required adjacent to the shopping village, and it is noted that approval for alteration of the existing routes and the installation of new covered bus stops may not be achievable to a known timeframe.

7.4.3.2.4 Pedestrians and Bicycles

Applicable performance measures include that street landscaping is provided to enhance the appearance of the street and pedestrian environment, including providing protection from the sun, and that bicycle racks are provided as part of all developments that attract significant public patronage. Conditions are recommended related to provision of bicycle parking.

7.4.3.3.1 Landscape Character

Applicable performance measures include that landscaping is to help define boundaries, create continuity and provide shade. To ensure that street trees, planting on private property and awning locations and depths are compatible, a condition of consent is recommended to require the submission of public domain and awning plans which set out locations of existing street trees, proposed awnings (heights and widths) and includes details of street light poles, private landscaping, new street tree or pole locations, surface treatments and street furniture including public seating, bike racks and bins.

The DCP also requires that the design details of the footpaths and driveway cross overs are uniformly applied to assist in streetscape character, and that street signage is designed to be complementary to the overall streetscape and character, and that signage clutter is avoided. Refer also to discussion under the signage chapter of the DCP and under SEPP 64.

7.4.3.3.2 Street Furniture and Public Art

Performance measures include that public art is provided throughout key public domain areas, and that it may be freestanding or integrated into building facades or pavements, or other built edges. The section states that street furniture is to maximise pedestrian comfort, convenience and amenity and is to be integrated into the design of all public spaces. As the site provides for substantial areas of public access and is within a key precinct of the estate, a condition of consent is recommended to require the installation of public art into the design of the development and the submission of a Place Making and Public Art Strategy. Public art and the submission of a Strategy is a requirement of Chapter C8 of the DCP for all developments with an estimated cost of \$5 million or more.

7.4.3.5 Neighbourhood Precinct

Objectives include:

- To create a memorable village experience,
- To provide a highly accessible community focal and gathering point,
- To create a retail centre based in traditional 'Main Street' shopping experiences,
- To ensure a safe public domain represents a defining element of the centre,
- To accommodate a diverse mix of land uses including residential,

- To ensure that the scale of the retailing facilities sits comfortably within the local and regional retail hierarchy,
- To avoid duplication of parking provision by co-locating key land uses, and
- To facilitate walking and cycling, public transport access as well as car access.

Performance measures include to have a high quality public domain, provide accessible, legible linkages between other key community components, provide excellent pedestrian and cycle links and to have open lot and street based parking for convenience. The proposal complies with these objectives and measures in that parking is provided at grade in a central location to most retail tenancies, and through links are clear, accessible and legible. Cycling and walking is encouraged by the design which includes an appropriately scaled retail element with shop top housing.

7.4.3.5.3 Retail Built Forms

The proposal largely complies with the requirement to provide a combination of traditional main street shops and internalised space, and the percentage of active street front to public streets is adequate. Notwithstanding, and to ensure that the main entry point from Darug Avenue and the frontage of the site to Deerubbin Drive are adequately activated, and to align the proposal more closely with the DCP requirement at 7.4.3.5.3 which requires that the shopping centre is *to provide a variety of smaller scaled single shops to the surrounding streets*, a condition is recommended to require that the scale of tenancy MC01 be reduced.

This will to allow for a smaller or finer grain retail tenancy to be provided with a dual frontage to the main entry arcade east of the lift core, and to Deerubbin Drive. This will assist in mitigating the impacts of poor street front activation caused by the large medical centre having street front glazing along its length (fronting Deerubbin Drive).

Deerubbin Drive currently will only have 5 tenancies and a basement entry ramp opening up to a 190m (approx.) long frontage with three of those tenancies being large (greater than 50sqm), comprising of a gym, a child care centre, and a medical centre and which will have large volumes of glazing coverage, and minimal retail activation. Noting also, that the childcare centre has no entry point from Deerubbin Drive.

The proposal complies with the DCP requirement for a built to boundary edge to the primary southern street front. Shop fronts return around corners and awnings are balanced with street tree provision and private landscape elements.

The proposal does not comply with 7.4.3.5.3(j) in that two storey elements are provided at corners, although the four storey elements are adequately broken up by street wall setbacks, awning elements and landscape interruptions.

7.4.3.5.3(l) states that the impact of deliveries should be minimised through location and separation of those activities. The delivery and loading dock is located on the western side of the development and is accessed off Darug Avenue. The loading area is internal to the site although will require deliveries trucks to pass along Darug Drive. In this respect, conditions of consent are recommended to limit deliveries to between the hours of 7.00am and 7.00pm daily.

Figure E7.33 provides for an indicative structure layout for the Neighbourhood Precinct. The proposal does not align with the layout, although this is noted to be indicative and the proposal is assessed to be largely be compliant with the applicable objectives and controls of the Section.