

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA19/0457
Proposed development:	Erection of Shade Sails over Existing Carpark
Property address:	9100 Glenmore Parkway, GLENMORE PARK NSW 2745 19 - 31 Town Terrace, GLENMORE PARK NSW 2745 41 Town Terrace, GLENMORE PARK NSW 2745 13 - 17 Town Terrace, GLENMORE PARK NSW 2745
Property description:	Lot 9100 DP 1022720 Lot 9101 DP 1022720
Date received:	11 July 2019
Assessing officer	Gemma Bennett
Zoning:	Zone B2 Local Centre - LEP 2010
Class of building:	Class 10a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the construction of shade sails and installation of landscaping within an existing open carpark at Glenmore Park Shopping Centre, 19-31 Town Terrace, Glenmore Park. The site is currently zoned B2 Local Centre under Penrith Local Environmental Plan 2010 and the proposed structures are an ancillary component of the overall approved commercial premises, which is permissible with the consent of Council.

Key issues for the proposed development and site include:

- Tree removal - a number of trees within the carpark are proposed to be removed to facilitate the construction of the shade sails.
- Owner's consent - the covered walkway component is wholly located on Council property.

The application did not require notification to adjoining properties in accordance with Council Policy.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval.

Site & Surrounds

The Shopping Centre site is located 1.5km from the Mulgoa Road entrance and 3.1km from The Northern Road entrance to Glenmore Park Estate. The Glenmore Park Shopping Centre site is an elongated parcel running north-south and is surrounded by the Glenmore Parkway to the north, west and south and Luttrell Street to the east. The site falls from the west to the east by approximately 7-8m. The total area of the site is 4.56 hectares.

The carpark is located in the central portion of the site and contains 285 carparking spaces. Narrow landscape beds are located in between aisles and contain a number of semi-mature trees with a height of approximately 3-4m.

Proposal

The proposed development involves:

- Erection of shade sails over the existing car park - 178 spaces (inclusive of four trolley return bays) out of a total 285 spaces are proposed to be covered.
- Lighting is proposed under the frame, for illumination at night.
- Erection of shade sails over the walkway linking the northern and southern retail buildings, immediately adjacent to the Council owned community building and situated on Council land.
- Removal of 17 trees over 3m in height.

Determination of the proposal

As the proposal involves development on Council owned land, the application has been examined against the referral criteria for Local Planning Panel determination as specified by the Minister's Direction under Section 9.1 of the Act. The referral criteria is as follows:

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council

...

but not development for the following purposes which requires:

...

(d) minor building structures projecting from the building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

It is considered that the covered walkway satisfies the exclusion criteria (d) being similar in nature to an awning or sun shading device. Whilst the structure is not attached to the building façade, rather installed using steel posts abutting the building wall, the structure does project from the building façade over the public footpath. The development is considered a minor building structure and no conflicts of interest are raised through determination of the subject application by officer delegation.

Background

The Sydney West Joint Regional Planning Panel (JRPP) approved Development Application DA14/0765 for Stage 2 of Glenmore Park Town Centre including a Major Supermarket, Minor Supermarket, Commercial Floor Space, Speciality Shops, Retail Kiosks & Associated Car Parking on 20 August 2015. Subsequent modifications have been approved by Council.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

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 79C(1)(a)(i) The provisions of any environmental planning instrument

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.3 Height of buildings	Complies

Clause 2.3 Permissibility

The subject site is zoned B2 Local Centre under the provisions of Penrith Local Environmental Plan 2010. The proposed development is an ancillary component of the overall approved commercial premises, which is permissible with the consent of Council.

Clause 2.3 Zone objectives

The objectives of the B2 zone are:

- *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 future housing does not detract from the economic and employment functions of a centre.*
- *To ensure that development reflects the desired future character and dwelling densities of the area.*

The commercial use of the site is consistent with the zone objectives. The proposal includes significant improvements to the existing landscaping, and replacement planting to compensate for trees removed in order to erect the shade sails.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
C3 Water Management	N/A
C4 Land Management	N/A
C5 Waste Management	N/A
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	N/A
E7 Glenmore Park controls	Does not comply - see Appendix - Development Control Plan Compliance

Section 79C(1)(a)(iv) The provisions of the regulations

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

Owner's consent for the covered walkway to be constructed wholly within Lot 9101 DP 1022720 has been submitted.

Section 79C(1)(b) The likely impacts of the development

Tree removal

The submitted plans indicate that 17 trees over 3 metres in height will be removed as part of the proposal. An arborist report has been submitted with the application and indicates that the majority of trees between carpark rows are of low to moderate retention value, with all but 2 trees displaying some form of disease. This is likely related to their growing environment with inadequate garden beds available for healthy and successful tree growth. The narrow beds also provide no protection from vehicular impacts within the carpark. The trees are predominantly a monocultural planting of *Cupaniopsis anacardioides* or 'Soapberry' tree, endemic to rainforest and estuarine areas of eastern and northern Australia. The removal of these trees and replacement with an equal or greater number of trees in and around the carpark in more suitable structural cells and other existing garden beds is supported by the assessment of the proposal.

The exception are the 5 x Eucalypts adjacent to the Community Centre. These specimens have been identified as *Corymbia maculata* 'Spotted Gum' and *Eucalyptus microcorys* 'Tallowood'. These trees range in height from 10-18m tall, and have been assessed to be of moderate to high retention value. These trees are proposed to be removed to allow for construction of the covered walkway, connecting the northern and southern portions of the shopping centre. It is recommended that the 5 x Eucalypts are retained and that the covered walkway is modified in design to facilitate retention of the trees, potentially with some minor pruning of lower branches. Conditions of consent are recommended in this regard.

Section 79C(1)(c) The suitability of the site for the development

The Glenmore Park shopping centre has been operating on the site since around 2000, serving the needs of the local community and customers from other areas of Glenmore Park and Penrith. The site is generally unconstrained with regard to natural hazards, including flooding or bushfire risks. The site is not listed as an item of heritage significance and is not in the vicinity of an item of heritage significance.

The provision of shade over parking and the covered walkway link will provide weather protection for both pedestrians and car park users. Whilst existing vegetation is impacted by the development, replanting and other landscape works are proposed to improve the overall provision of landscaping to the site.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development did not have to be notified.

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
Development Engineer	No objections - subject to conditions
Environmental - Waterways	No objections
Tree Management Officer	No objections - subject to conditions

Section 79C(1)(e)The public interest

On balance, the proposed development is consistent with the objectives and provisions of Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014. The proposal provides greater amenity for residents and users of the centre, and will contribute to the economic viability of the retail precinct. The additional landscaping will promote greater green linkages between the open spaces to the east and residential areas to the west.

It is for the above reasoning that approval of the development application is in the public interest.

Conclusion

In assessing this application against the relevant environmental planning policies, being Penrith Local Environmental Plan 2010, Penrith Development Control Plan 2014, and Sydney Regional Environmental Plan No. 20 (Hawkesbury-Nepean River), the proposal satisfies the aims, objectives and provisions of these policies.

The proposed design will improve amenity for the community with respect to additional shading and improved landscaping outcomes, complies with key development standards and is in the public interest.

Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

That DA19/0457 for Erection of Shade Sails over Existing Carpark at 19 - 31 Town Terrace, Glenmore Park, be approved subject to the attached conditions.

General

1 [A001 - Approved plans table](#)

The development must be implemented substantially in accordance with the following plans stamped approved by Council the application form, and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Drawing Title	Reference	Prepared By	Dated
Site Plan - General Overview/Location Plan	DA01	Building Visions	14/05/19
Site Plan - Overall Area - Existing	DA02	Building Visions	14/05/19
Site Plan - Overall Area - Proposed	DA03	Building Visions	14/05/19
Car Park Proposed Plan	DA04	Building Visions	14/05/19
Car Park Proposed 3D Views	DA05	Building Visions	14/05/19
Covered Walkway Link between Centres	DA06	Building Visions	14/05/19
Existing Landscape	L1	Nicholas Bray Landscapes	15/10/19
New Landscape Plan	L2	Nicholas Bray Landscapes	15/10/19
Elevations	L3	Nicholas Bray Landscapes	15/10/19
Details	L4	Nicholas Bray Landscapes	15/10/19

- *Maintenance Schedule and Procedures for Shade Sail Structures at Glenmore Park Shopping Town*
- *Landscaping Management and Maintenance Manual - Glenmore Park, by Nicholas Bray Landscapes*

2 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

The development shall not be used or occupied until an Occupation Certificate has been issued.

3 [A038 - LIGHTING LOCATIONS](#)

Prior to the issue of an Occupation Certificate, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

4 [A039 - Graffiti](#)

The finishes of all structures are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

5 [A046 - Obtain Construction Certificate before commencement of works](#)

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

Demolition

6 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures"

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

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

7 B006 - Hours of work

Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

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

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

Environmental Matters

8 D001 - Implement approved sediment& erosion control measures

A Sediment and Erosion Control Plan is to be submitted to the Principal Certifying authority and erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. 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.

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

9 D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)

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, considered and approved by Council. 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 Development Control Plan 2014) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislative
- 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.

{Note: Penrith Development Control Plan 2014 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, soil science, ecotoxicology, 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."}.

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.

10 D009 - Covering of waste storage area

All waste materials stored onsite 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 area shall provide at least two waste bays / bins so as to allow for the separation of wastes, and the areas are to be fully enclosed when the site is unattended.

11 **D010 – Appropriate disposal of excavated or other waste**

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed 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.

12 **D014 - Plant and equipment noise**

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.

13 **D026 - Liquid wastes**

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.

BCA Issues

14 **E001 - BCA compliance**

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).

Construction

15 **H001 - Stamped plans and erection of site notice**

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.

16 H002 - All forms of construction

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 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footing 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 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.

17 H041 - Hours of work (other devt)

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

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

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are 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

18 [K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS](#)

Prior to the issue of any Construction Certificate, a Section 138 Roads Act application, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths and/or cycleways
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council road and other Penrith City Council owned drainage)
- d) Road occupancy or road closures
- e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- f) Temporary construction access

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- d) 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.

19 [K222 - Access, Car Parking and Manoeuvring – General](#)

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Australian Standard 2890.1, Australian Standard 2890.2, Australian Standard 2890.6 and Penrith City Council's Development Control Plan.

20 [K501 - Penrith City Council clearance – Roads Act/ Local Government Act](#)

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval (if applicable) have been inspected and signed off by Penrith City Council.

21 [K511 - Directional signage](#)

Prior to the issue of any Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

22 [K Special Condition BLANK](#)

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the posts for the shade sail structures are located between parking spaces so they do not conflict with parked vehicles.

23 [K Special Condition BLANK](#)

All roadworks, stormwater drainage works, structural works, associated civil works and dedications required to effect the consented development shall be undertaken at no cost to Penrith City Council.

24 [K Special Condition BLANK](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to commencement of any work 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 City Works Department on (02) 4732 7777 or visit Council's website for more information.

Landscaping

25 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plans and Part C6 of Penrith Development Control Plan 2014.

Landscaping shall be maintained:

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

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

26 **L003 - Report requirement**

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 qualified 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. The report is to be prepared by a suitably qualified landscape professional.

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

ii. Maintenance Report

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

27 **L Special (BLANK)**

Prior to the issue of an Occupation Certificate, an irrigation system shall be installed for the development. The irrigation system is to provide adequate water supplies to the existing and new landscaped areas and ensure the ongoing health and integrity of the plantings.

28 **L Special BLANK**

Prior to the issue of a Construction Certificate, the design layout for the shade sails shall ensure that no posts within the Structural Root Zone (SRZ) of any tree to be retained and protected. Prior to a design for the shade sails being finalised, investigations are to be undertaken to ensure the above point can be complied with. Where required posts may need to be relocated and the design of the sails amended accordingly.

29 **L Special BLANK**

Approval is granted for the removal of the following trees:

Tree No.	Tree Species	Location
1 - 23	Various species as per the Tree Assessment Schedule provided in the Preliminary Tree Assessment, prepared by Monaco Designs, Job No. 5406, author Paul Monaco, dated 13/11/2019	As per Survey Plan provided in the Preliminary Tree Assessment, prepared by Monaco Designs, Job No. 5406, author Paul Monaco, dated 13/11/2019

All tree removal works must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW) and Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016).

All other vegetation not specifically identified above and protected by C2, Vegetation Management of the Penrith Development Control Plan 2014 is to be retained and protected from construction damage and pruning.

The following trees are to be retained and protected as per the conditions below. Failure to comply with the conditions is an offence and may incur a fine or lead to prosecution.

Tree No.	Species	Location	Protection Measures
24	<i>Corymbia maculata</i> (Spotted Gum)	Trees adjacent to the eastern edge of the carpark adjacent to the Community Centre and as per Survey Plan provided in the Preliminary Tree Assessment, prepared by Monaco Designs, Job No. 5406, author Paul Monaco, dated 13/11/2019	Trunk protection as per AS 4970 – 2009, Section 4.5.2 is to be installed around the trunk and any branches that may be affected by machinery.
25	<i>Eucalyptus microcorys</i> (Tallowood)		Care is to be taken to ensure that the canopy of the trees is not damaged during the construction process.
26	<i>Eucalyptus microcorys</i> (Tallowood)		
27	<i>Corymbia maculata</i> (Spotted Gum)		
28	<i>Eucalyptus microcorys</i> (Tallowood)		Padding to be used under the board shall be non-absorbing or free draining to prevent moisture build up around the trunk.

Tree protection measures shall comply with *Australian Standard 4970-2009 Protection of trees on development sites* together with the following conditions:

(a) The tree/s to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.

(b) All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.

(c) On each trunk protection the applicant will display in a prominent location a durable, weather resistant sign having a minimum dimension of 500mm high x 400mm wide of similar design and layout as per Appendix C, *Australian Standard 4970-2009 Protection of trees on development sites* clearly showing: a) The Development Consent number, b) The name and contact number of the nominated site manager, and c) Indication that damage to the tree is not permitted. The notice is to be in place prior to commencement of demolition or construction.

(d) Trunk protection shall be inspected on a regular basis to ensure that they are intact, comply with the above standard, installed to the appropriate dimensions and provide effective protection for the tree to be retained and are not causing damage to the tree.

(e) All utility services, pipes, stormwater lines and pits shall be located outside the Tree Protection Zone (TPZ) of all trees to be retained and protected (based on the dimensions provided in the Preliminary Tree Assessment, prepared by Monaco Designs, Job No. 5406, author Paul Monaco, dated 13/11/2019).

(f) Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the Tree Protection Zone (TPZ) of all trees to be retained and protected (based on the dimensions provided in the Preliminary Tree Assessment, prepared by Monaco Designs, Job No. 5406, author Paul Monaco, dated 13/11/2019).

(g) Trees marked for retention must not be damaged or used to display signage, or as fence or cable supports for any reason.

(h) If tree roots are exposed during approved works, roots with a diameter less than 25mm are to be pruned cleanly using sharp hand tools and not torn or ripped by machinery. Tree roots greater than 25mm in diameter are to be assessed by a qualified arborist - minimum Australian Qualification Framework (AQF) Level 4 or equivalent – before any pruning work is undertaken. If necessary, changes in design or relocation of works may be required.

31 **L Special BLANK**

Prior to the issue of the Occupation Certificate, the applicant is to plant replacement trees in accordance with the New Landscape Plan, prepared by Nicholas Bray Landscapes, Dwg No. L2, Revision A, dated 15/10/2019.

The trees shall be planted in accordance with the plan Details, prepared by Nicholas Bray Landscapes, Dwg No. L2, Revision A, dated 15/10/2019 using Structural Soil Option 2.

Replacement trees are to be a minimum container size of 75 litres. They shall comply with *NATSPEC Specifying Trees: A guide to assessment of tree quality* (2003) or *Australian Standard 2303 – 2015 Tree stock for landscape use*.

The tree/s shall be maintained for the life of the development.

Certification

32 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

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 6.6 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 6.6 of the Environmental Planning and Assessment Act 1979.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C2 Vegetation Management

The proposal includes removal of a number of trees within the carpark to facilitate erection of the shade sails. 10 of the trees identified for removal are 2-3m in height and therefore are not considered to be prescribed vegetation for the purposes of C2.1 Tree and Vegetation Preservation. The remaining trees proposed to be removed within the carpark area are between 4-7m in height, and trees adjacent to the Community Centre range from 10-18m in height, and are therefore Prescribed Vegetation requiring Council consent for removal.

A Preliminary Tree Assessment was submitted with the application detailing the species, dimensions, condition and retention value of the existing trees. All but 2 trees display some form of disease, likely a result of the poor growing conditions evident on site.

While the proposal includes removal of 5 x Eucalypts adjacent to Council's Community Centre in order to allow for construction of the covered walkway, the removal of these trees is not supported. The trees are considered to be of a size and species that positively contribute to the town centre. The application has not demonstrated that all alternative options for their retention have been explored and it is considered that with some minor pruning of lower branches and strategic placement of structural components, that the walkway can be installed in the desired location and the trees retained. Conditions of consent have been recommended by Council's Tree Management Officer in this regard.

C6 Landscape Design

The proposed development incorporates significant landscape improvement works to ameliorate the impact of vegetation removal, including the use of structural landscaping cells to provide for larger scale replacement plantings within the car park. In addition, existing landscape beds are to be supplemented with new plantings of varying heights, including canopy trees. The existing irrigation system is to be repaired to facilitate the growth of the new landscaping. Council's Landscape Officer has reviewed the proposal and a number of conditions are recommended to ensure that the landscaping contributes effectively to the streetscape and with regards to maintenance of its ongoing health.

C10 Transport Access and Parking

No change to the number of car parking spaces is proposed and existing pedestrian facilities are also to be maintained. The proposed landscaping will improve outcomes for the precinct in relation to minimising the visual impact of the at grade parking area.

E7 Glenmore Park

Penrith Development Control Plan 2014 Section E7 Part A Glenmore Park Stage 1 is applicable to this site. Under E7.2.2 the main principles of the Glenmore Park Town Centre are:

- a) *The desire for a Town Centre with a "heart".*
- b) *The Town Centre needs to have its own identity.*
- c) *The Town Centre is the hub or focus for the local Glenmore Park community*
- d) *Desire for a distinctive and proportioned, attractive, safe 'main street' character.*
- e) *Provide facilities sufficient to serve its residents.*
- f) *The Town Centre is a place to serve the entire community of Glenmore Park.*

The issue of achieving a development on the site in keeping with the above objectives was considered in detail in assessment of the Stage 2 extension under DA14/0765. As part of the DA, a covered walkway was required to link pedestrian access between the northern and southern shopping centres. The current proposal intends to provide that walkway and assist in promoting the pedestrian orientation and comfort envisaged by the DCP.

While the DCP identifies the existing at grade carpark on the site as the location of the future town square and main street shopping precinct, there is also an acknowledgement within the DCP that, *"Importantly, however, the form and location of the development will change over time in response to changing needs."* The existing proposal is evidence of those changing needs. With future phases of the Glenmore Park Town Centre still in a concept planning stage, the proposal assists in providing facilities for residents in accordance with principles e) and f) above. The shade sails and covered walkway will provide weather protection, and improved landscaping including canopy trees will promote a more pleasant micro climate in the centre in accordance with principle d). The construction of shade sails in the carpark does not prevent redevelopment of the site in future should a higher and better use become viable and in accordance with the overall provisions of the LEP and DCP.