

MULLANE PLANNING CONSULTANTS

PTY LIMITED ACN 089 318 561

Innovation in Urban Planning & Development

JOHN MULLANE, DIRECTOR

Dip. T & CP (Syd)

"Kerry Lodge"
12 Mount Street
Glenbrook 2773

jmullane@pnc.com.au

Telephone:
(0408) 961 839

**SECTION 96 (1A) APPLICATION
WITH RESPECT TO CONDITION 3**

OF CONSENT DA 14/0765

(JRPP N° 2014SYW084)

STAGE II GLENMORE PARK TOWN CENTRE

LOT 2 DP 865459 (1-11)

TOWN TERRACE

1.0 INTRODUCTION

The Joint Regional Planning Panel (SYW) considered a Development Application for Stage II of the Glenmore Park Town Centre and Development Consent (DA 14/0765) was issued 27th August 2015 containing 114 conditions, one of which was Condition 3:

*3 The following lots are to be consolidated as one lot.
Lot 9100 DP 1022720; Lot 2 DP 1022720;
Lot 9204 DP 1022720; Lot 9105 DP 1022720;
Lot 9108 DP 1022720; Lot 9130, 9106 and 9107 in DP 102220.*

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

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

This SECTION 96 (1A) Application has been lodged seeking the removal of Condition 3, as it currently exists and its replacement with the following condition.

3 Prior to the issue of an Occupation Certificate for Stage II of the Glenmore Park Town Centre, the applicant is to prepare a Sec 88B Instrument which creates reciprocal rights of carriageway over Lot 9100 DP 1022720 and Lot 2 DP 865459. Reciprocal easements for parking over both allotments are to be created in favour of each other.

The Section 88B Instrument must also create reciprocal rights over the abovementioned allotments in order to provide for pedestrian access.

2.0 THE JUSTIFICATION FOR THE ALTERED CONDITION

2.1 The justification for the imposition of the original Condition 3 (consolidation) was established in the Planning Report, which recommended approval to Stage II. That part of the Report is reproduced below.

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

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

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

- *There is a possibility for overflow of parking provision into the shopping centre due to the proximity of sporting facilities, but would be only for a short period of time on Thursday or training nights and Saturday matches. The additional 415 parking spaces provided by this development would assist to provide these spaces.*

In view of the above, the requirement by the DCP of 1228 on-site parking spaces is considered to be excessive for this shopping centre.

As the development provides a total of 784 parking spaces and overall 963 parking spaces in close proximity of the Centre (which is 164 spaces over the requirement of the RMS), it is considered that on-site parking will be satisfactory.

Council and the JRPP considered that the total numbers of car spaces provided over the whole Town Centre site were satisfactory and so consolidation was considered appropriate.

The lot description included in the Consent Permit is incorrect and the description should be as follows:

Lots 9100, 9104, 9105, 9106, 9107, 9108, DP1022720, and Lot 2 DP865459. A copy of both Deposited Plans appears as Appendix I).

2.2 The suggested revised condition 3 is underpinned by the following considerations:

- The existing condition (correct or incorrect) includes what are generally referred to as the "pad sites". These sites contain freestanding, individual developments such as Kentucky Fried Chicken, McDonalds, Service Station.

These individual "pad sites" have been designed and approved with self-sufficient car parking.

If these sites were to be consolidated as required by Condition 3, Village Fair Glenmore Park would effectively be prevented from re-negotiating leases or dealing with the "pad site" occupants in any re-development opportunities.

Village Fair Glenmore Park requires the flexibility of dealing with these individual leases on an as needed or required basis.

Village Fair Glenmore Park is also of the opinion that those individual lessees would not agree to their individual leases being amended to include their sites as part of a consolidated Town Centre site.

- Lot 9100 consists of two major parts, one containing Stage I (Woolworths and Speciality Retail) and the existing at-grade car park, which is separated from Stage I retail by Town Terrace.

Village Fair Glenmore Park is of the opinion that the existing leaseholders in Stage I would have commercial justification for not wishing to amend their current leases.

- Village Fair Glenmore Park is of the opinion that further Town Centre development will be proposed over the area occupied by the at-grade, within the foreseeable future.

This opportunity will largely be driven by the development and operation of Stage II.

Consolidation of Lot 9100 with Lot 2 will substantially frustrate the timing and delivery of Stage II, if not preventing Stage II from proceeding if current lessees are not prepared to have leases amended to allow consolidation to be effected.

2.3 The suggested solution.

Village Fair Glenmore Park proposes that the intent of Council and the JRPP in terms of car parking provision can be achieved through the creation of reciprocal rights of carriageway for vehicular and pedestrian access, together with reciprocal easements for parking on both Lot 9100 DP1022720 and Lot 2 DP865459 (refer plan at Appendix ii).

3.0 CONCLUSION

Council, the Community and Village Fair Glenmore Park are anxious to see commencement of Stage II, given the protracted issues, which have impacted on the delivery of Stage II.

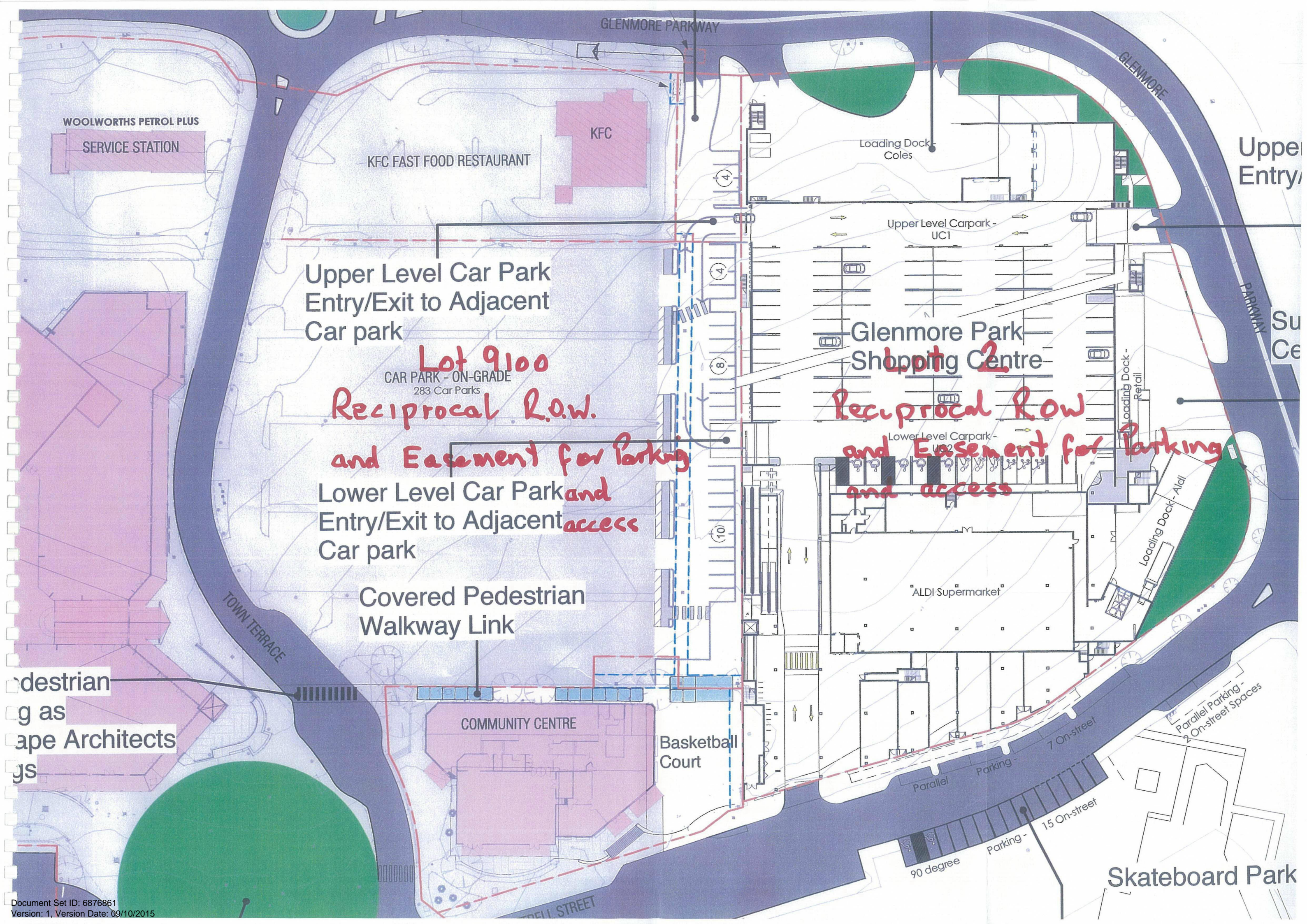
The recommended solution to the delivery of a secure outcome for protection of car parking provision will allow Village Fair Glenmore Park to prepare and lodge a Construction Certificate, thus permitting an early start to the construction of Stage II.

I commend the solution to Council.

JOHN MULLANE
DIRECTOR

Appendix 1)

Appendix II)



WOOLWORTHS PETROL PLUS
SERVICE STATION

KFC FAST FOOD RESTAURANT

KFC

Loading Dock -
Coles

Upper
Entry

Upper Level Car Park
Entry/Exit to Adjacent
Car park

Lot 9100
CAR PARK - ON-GRADE
283 Car Parks

**Reciprocal R.O.W.
and Easement for Parking
and access**

Lower Level Car Park
Entry/Exit to Adjacent
Car park

Glenmore Park
Shopping Centre

**Reciprocal R.O.W.
and Easement for Parking
and access**

Lower Level Carpark -
UC2

Loading Dock - Aldi

Covered Pedestrian
Walkway Link

ALDI Supermarket

COMMUNITY CENTRE

Basketball
Court

Pedestrian
g as
ape Architects
gs

Skateboard Park