

20 October 2017

The General Manager  
Penrith Council  
PO Box 60  
PENRITH NSW 2751



**Re: s96(1A) Modification to Development Consent DA 14/0765 (Condition 6) for the extension to supermarket trading hours.**

**Our Ref: 17353**

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## 1 Introduction

KDC Pty Ltd (KDC) acts on behalf of its client Coles Supermarkets Australia Pty Ltd in preparing this supporting Statement of Environmental Effects (SEE) for the proposed Section 96(1A) modification to 14/0765.01 to extend the current approved trading hours of the proposed Coles Supermarket located at 1-11 Town Terrace, Glenmore Park, NSW 2745.

The original consent for the development relates to Stage 2 of Glenmore Park Town Centre including Major Supermarket, Minor Supermarket, Commercial Floor Space, Specialty Shops, Retail Kiosks & Associated Car Parking. This was approved by Penrith Council (Council) on the 27<sup>th</sup> of August 2015. Subsequent applications for modifications have also been approved by Council. It is noted that this development is currently under construction.

This SEE describes the site, its environments, the proposed modification and an assessment of the proposal in terms of the matters for consideration under Section 79C (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). The report should be read in conjunction with the supporting information and appended to this letter.

## 2 Site Analysis

### 2.1 Site Location, Context & Description

The site is located at 1-11 Town Terrace, Glenmore Park 2745. (refer to Figure 1) and is legally described as Lot 2 in DP 865459. Generally referred to as Glenmore Park Town Centre, the site has an approximate area of 10,840m<sup>2</sup>.

Glenmore Park Town Centre primary tenancies will include Coles and Aldi, in addition to numerous, smaller, specialist retail tenancies. The Glenmore Town Centre includes on site car parking.

Surrounding land uses along Town Terrace include primarily retail, recreational and residential land uses.

Figure 1 and 2 identify the site and its surroundings.

Figure 1 – Locality Plan

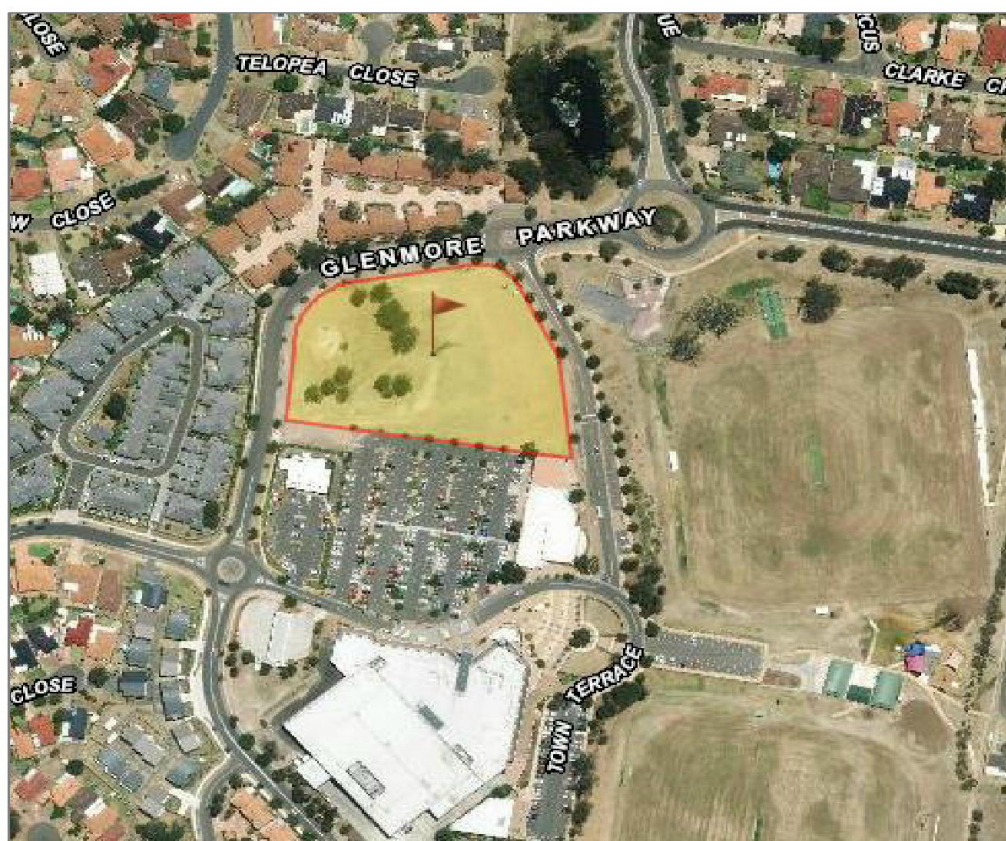
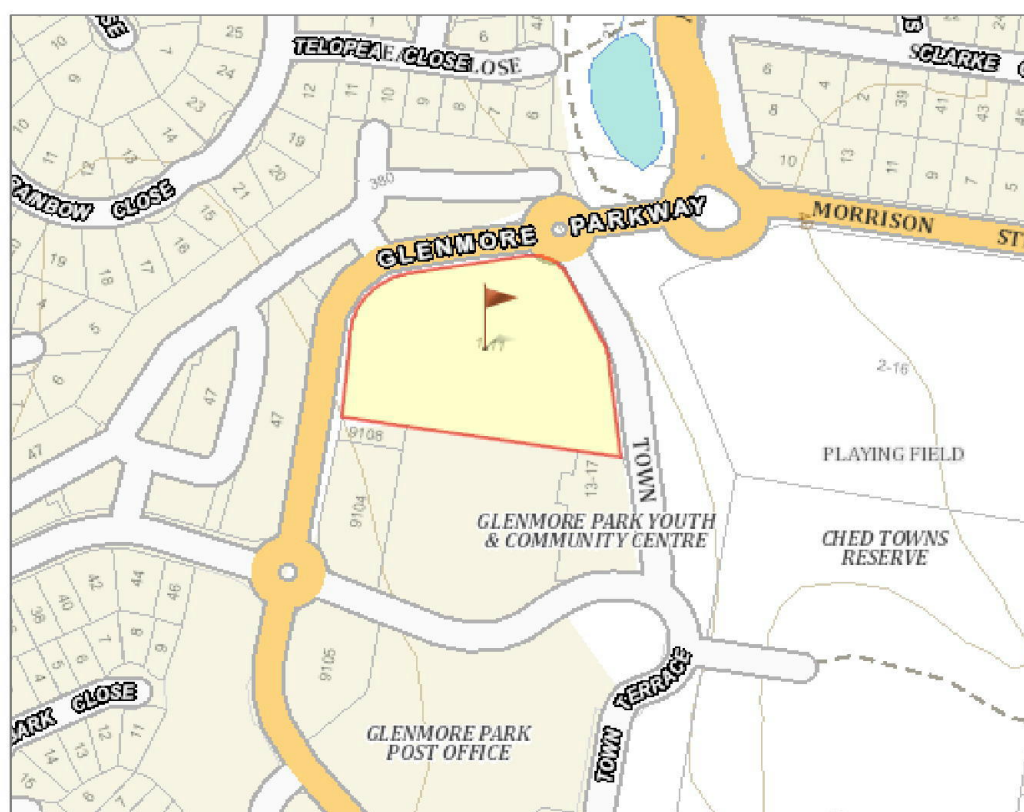


Figure 2 – Cadastre Plan





### 3 Background

As stated above, the original consent for the development relates to Stage 2 of Glenmore Park Town Centre which included a Major Supermarket, Minor Supermarket, Commercial Floor Space, Specialty Shops, Retail Kiosks & Associated Car Parking. This was approved by Penrith Council (Council) on the 27<sup>th</sup> of August 2015.

Subsequent applications for modifications have also been approved by Council. These have included minor condition changes as well as internal layout changes, inclusion of a gym and modifications to the car wash facility.

It is noted that this development is currently under construction.

### 4 Proposed Modification

The proposed modification seeks to amend *Condition 6* of DA 14/0765 to allow the Coles Supermarket to trade between 6am and Midnight 7 days per week.

### 5 Planning Assessment

Compliance with all legislative requirements under various Environmental Planning Instruments (EPI's) remains unaffected by this application. The proposed amendment does not change the overall design, function or off-site impacts of the development (as approved).

#### 5.1 Environmental Planning and Assessment Act 1979

It is considered that the modification of the development consent proposed will result in minimal environmental impact and is substantially the same development as that for which the original consent was granted. Accordingly, the approval path for the proposed modification is *s96 (1A) Minimal Environmental Impact* under the EP&A Act 1979:

Section 96 Modification of consents - generally

*(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

*(a) It is satisfied that the proposed modification is of minimal environmental impact, and*

*(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

*(c) it has notified the application in accordance with:*

*(i) the regulations, if the regulations so require, or*

*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

*(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The following Environmental Planning Instrument (EPI) and Development Control Plans (DCP's) are relevant to the proposed development:

- Penrith Local Environmental Plan (LEP) 2010
- Penrith City Council Development Control Plan (DCP) 2014

## 5.2 Penrith Local Environmental Plan (LEP) 2010

The site is zoned B2 Local Centre Zone under the provisions of the Penrith Local Environmental Plan 2010. Refer to Figure 3 below.

**Figure 3 – Penrith LEP 2010 Zoning Map Extract**



The objectives of the zone are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that development is appropriately designed to minimise amenity impacts.
- To allow appropriate residential uses to support the vitality of local centres.
- To ensure that uses support the viability of local centres.
- To provide a mixture of compatible land uses.
- To reinforce and enhance the role, function and identity of local centres by encouraging appropriate development to ensure that surrounding development does not detract from the function of local centres.
- To integrate suitable business, office, residential, retail and other development in accessible locations.

The proposed changes to trading hours results in the proposed Coles operation remaining consistent with the relevant objectives of this zone. The extension of hours is consistent with the objectives as it will provide greater employment opportunities, provide for the needs of the local community and enforce the role of the local centre whilst considering and ensuring environmental impacts are negligible.



### 5.3 Penrith City Development Control Plan 2014

The proposal has been assessed against the relevant provisions of the Penrith City Development Control Plan 2014 (DCP). In accordance with the provisions of the DCP the proposed changes to operational hours are considered to be consistent with the requirements of the DCP.

It is noted that C12 Noise and vibration provides controls to ensure that the amenity of development surrounding commercial development and licensed premises is not adversely impacted. It is acknowledged, that in relation to noise, development is to be consistent with the industrial noise criteria of the NSW Environment Protection Authority (EPA) Industrial Noise Policy (INP). The attached Environmental Noise Impact Assessment concludes that the proposed modification to hours are in accordance with INP. This is further assessed at Section 6 below.

## 6 Environmental, Social and Economic Impacts

The proposed extension to trading hours is a proactive response by Coles to provide the local community with a more efficient and reliable service whilst preserving the existing amenity for those residents in the immediate area.

### Amenity

The proposal is expected to cause minimal adverse impacts on the environment or amenity of the surrounding developments. It is acknowledged that the site is adjacent to existing residential properties along Glenmore Parkway. The centre will operate as approved in regard to car movements within the car park to ensure amenity is protected. Acoustic impacts, as discussed below, will be negligent, as verified within the Noise Impact Assessment which was carried out as part of the assessment for the original DA.

### Noise

To quantify any potential impact related to noise the Environmental Noise Impact Assessment, prepared by Acoustic Logic for the original DA, has been reviewed, as this assessment included noise logging and considered operational and car park noise. A copy of this report, as provided to Council as part of the original assessment, is enclosed with this SEE.

The following noise criteria was adopted and accepted as part of Councils assessment and subsequent approval, based on the noise logging data collected.

Daytime Noise Objective dB(A) Leq(Period)	Evening Noise Objective dB(A) Leq(Period)	Night Noise Objective dB(A) Leq(Period)
51	46	42

*Source: Table 6 - Environmental Noise Impact Assessment, Acoustic Logic*

It is noted that day, evening and night time are identified by the following times:

- Day: the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays;
- Evening: the period from 6pm to 10pm; and
- Night: the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

Acoustic Logic assessed the operation noise impacts associated with the car park. This is considered the largest threat to residential amenity within the area. (It is noted that this modification does not propose any changes to the approved delivery or mechanical ventilation arrangements on site).

The assessment concluded that the predicted noise level from the car park would be 41 dB(A) Leq.

Furthermore, it is noted that this assessment was based on the car park being 100% occupied, and therefore represents the worst case scenario for the site.

Therefore, given the adopted noise criteria (as shown in the table above), it can be concluded that the noise from the operation of the car park is below the accepted criteria for both the day, evening and night time periods. Therefore, based on this existing noise assessment, the impacts of the proposed additional trading hours will be negligible.

It is also noted that the current approval, which allows for trading until 11pm, thereby validating the above assessment that trade within the 'night time' period is acceptable.

#### Increased Traffic/Patrons

The proposed variation to the proposed Coles operation's trading hours is not likely to cause significant impacts on traffic movements on the surrounding road network. The proposed increase will enable customers to attend the site outside of peak hours. The intent of the increase hours is to increase the level of service offered to the community. There is no proposal to increase the capacity or the offering on site, therefore the number of visitors to the site is not considered unlikely to increase.

## 7 Conclusion

The proposed modification to the existing development consent 14/0765 involves an extension to the trading hours at the proposed Coles operation located at 1-11 Town Terrace, Glenmore Park.

As demonstrated in this report, the proposed extension to the current trading hours will have no impact on the overall operation of the development, and a negligible impact on the surrounding area, specifically in regard to noise emissions. Furthermore, Coles will employ management procedures for the premises to ensure that it is a safe, efficient and pleasant environment in which to work and visit.

Through the proposals merits and in the absence of any significant adverse environmental impacts, the modification is considered to be in the public interest and recommended for Council's support subject to standard conditions of consent.

We trust that the information provided is sufficient for your purposes. Should you have any questions please do not hesitate to contact me.

Regards,



Rachel Hodge  
**Senior Planner**  
**KDC Pty Ltd**

*Enclosures:*

*Environmental Noise Impact Assessment - Acoustic Logic*