

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA20/0457
Proposed development:	Alterations & Additions to Lennox Village Shopping Centre including ALDI Supermarket Extension & Car Park & Loading Dock Modifications
Property address:	2 - 20 Pyramid Street, EMU PLAINS NSW 2750
Property description:	Lot 1 DP 610862
Date received:	28 July 2020
Assessing officer	Lauren Van Etten
Zoning:	Zone B2 Local Centre - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the construction of Alterations & Additions to Lennox Village Shopping Centre including ALDI Supermarket Extension & Car Park & Loading Dock Modifications at 2-20 Pyramid Street, Emu Plains. The subject site is zoned B2 Local Centre and the proposed development is consistent with the objectives of the B2 zone and will continue to support the primary use of the site as a *commercial premises*.

In accordance with Appendix F4 of the *Penrith Development Control Plan 2014* and Council's adopted *Community Engagement Strategy and Community Participation Plan 2019*, the application was advertised and notified (on two separate occasions) to surrounding properties. No submissions were received in this regard.

Key issues related to the application included:

- Tree removal;
- Limited landscaping opportunities; and
- Vehicular and pedestrian conflict due to proposed truck manoeuvring.

An amended design was provided, along with supporting documents, and found to be satisfactory.

An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to conditions of consent.

Site & Surrounds

The subject site is located at 2-20 Pyramid Street, Emu Plains and is legally described as Lot 1 DP 610862. The site is a corner lot, situated north-west of the intersection of the Great Western Highway and Pyramid Street. The property is irregular in shape and is approximately 3.449 hectares in total land area.

Lennox Village Shopping Centre is currently located on site which comprises of approximately 6,000m² of leasable commercial and retail space and is provided with 421 car parking spaces. The property has been subject to a number of alterations, additions and modifications to the shopping centre since its approval in 1977. The ALDI Store is within the north-eastern corner of the site, bounded by Pyramid Street to the north-east and Water Street to the north-west.

The surrounding locality is characterised by residential dwellings to the west, north and north-east, a community centre and heritage item known as 'Emu Plains Public School (former) and Trees' to the east and the Uniting Edenglassie Residential Aged Care facility to the south.

Site Constraints

- The landscaped setback between ALDI and Pyramid Street which is approximately 4 metres in width contains 8 trees and is adjacent overhead power lines.

Background

- The ALDI supermarket was approved via DA01/0029.
- A pre-lodgement meeting was held for the subject proposal on 5 May, 2020, under PL20/0028.
- A tree removal application due to high risk was approved on 14 August, 2020 and included Trees 56 and 57 (VEG20/0188). These two trees were within the landscaped buffer subject to this proposal.

Proposal

The subject application seeks consent for alterations and additions to the main shopping centre building and involves the following aspects:

- Partial demolition to the existing ALDI supermarket with the removal of two walls;
- Extension to the existing Aldi supermarket (i.e. an increase of 217m² additional area for retail use);
- Removal of 12 car parking spaces and existing loading dock within the car park and associated asphalt, footpaths and services, south-east of ALDI;
- Construction of 28 car parking spaces, including footpaths, south-east of ALDI;
- Construction of new 90-degree loading spaces along ALDI's north-eastern frontage, which can accommodate up to 2 utes/vans/B99 cars. The new loading spaces are accessible via the Great Western Highway, Pyramid Street and Water Street;
- Removal of existing business sign (ALDI) which can be replaced as exempt development;
- Removal of an existing storage building (i.e. 86m²) and the erection of a new and smaller storage area (i.e. 22m²), south-east of ALDI;
- Relocation of the compactor to the truck loading area to the north-west of the ALDI;
- Construction of a new condenser area and acoustic fence to the north-west of the ALDI;
- Partial demolition and reconfiguration of the existing loading dock to the north-west of the ALDI to accommodate the relocated compactor, a retaining wall and acoustic screen. This dock can accommodate up to one 19m semi and is accessible via Water Street;
- Removal of one (1) tree and associated landscaping north-east of ALDI; and
- Landscaping and trees within the landscaped verge adjacent to Pyramid Street, north-east of ALDI.

Summary of Amendments

Originally, the proposal included a new loading dock and truck lane along the north-eastern side of the proposed ALDI extension. This would have removed the existing 4m wide landscape buffer between the commercial complex and the adjoining residential land with only a 1m landscaped verge in place thereof. This proposal was not supported given it required the removal of eight trees and this landscaping provides a significant buffer between the commercial area and adjoining residential properties and neighbouring heritage site (former Emu Plains Public School). The existing canopy cover was also valued as it cannot be adequately replaced given the overhead wires. The design also limited the opportunity for any new deep soil planting or screening vegetation. In addition, there was concern regarding conflict between the service trucks reversing into the public car park, and conflicts between vehicles and pedestrians.

The pre-lodgement notes had also noted that the truck access lane would not be supported given there was insufficient room for adequate access and manoeuvring.

The proposal was then revised to retain the landscaped strip as is and utilise the existing loading dock to the west instead. This results in the removal of only 1 tree, ample landscape opportunities and no traffic conflicts.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

• Section 4.15 - Evaluation

The proposal 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 7.12 - Developer Contributions

Section 7.12 Development Contributions apply to non-residential developments within the Penrith LGA that have a proposed cost of works of \$100,001 and greater. As the proposed cost of works for the subject proposal is \$1,944,871, Section 7.12 Contributions apply: $1\% \times \$1,944,871$ (cost of construction works) = \$19,449.00.

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

State Environmental Planning Policy No 55—Remediation of Land

On land subject to a development application, Clause 7 of SEPP 55 requires the consent authority to assess any potential contamination of the land, and if the site is deemed suitable for its intended use, in its current state or following any remediation.

A Preliminary Site Investigation prepared by Greencap dated 12/6/2020 was provided. Council's Environmental Management Officer reviewed the proposal and found it to be satisfactory noting that *"the use of the site is not changing and conditions addressing an Unexpected Finds Protocol and Hazardous Building Materials Survey will be recommended"*.

An assessment has been undertaken of the proposal against the relevant criteria within the State Environmental Planning Policy No. 55—Remediation of Land and the proposal is satisfactory subject to recommended conditions of consent.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The SREP is applicable to the subject site.

Clause 4 of the SREP requires a consent authority determining an application for which consent is required to consider the general planning considerations set out in Clause 5, and the specific planning policies and related recommended strategies set out in Clause 6, as they are applicable / relevant to the proposed development. The proposed development does not impact on the Hawkesbury-Nepean River system and is considered to be a minor alteration to an existing shopping centre development.

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 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	N/A
Clause 5.10 Heritage conservation	Complies - See discussion
Clause 7.2 Flood planning	Complies - See discussion
Clause 7.7 Servicing	Complies

Clause 2.3 Permissibility

The development is considered ancillary to an existing supermarket which is permissible with Council consent.

The proposed development is permissible with development consent in the B2 Local Centre zone as it is a "commercial premises". Penrith LEP 2010 defines a commercial premise as follows:

"commercial premises means any of the following—

- (a) business premises,*
- (b) office premises,*
- (c) retail premises."*

The development is appropriately categorised as a retail premises, specifically a "shop". The LEP defines a "shop" as being:

"shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises."

The site already operates as a "commercial premises" and "shop" and the proposed development is consistent with the objectives of the B2 Local Centre zone as it will continue to provide a range of retail uses that will service the needs of the people who work, visit and live in the local area

Clause 4.3 Height of buildings

Under the Penrith LEP, the site has a 15m building height restriction. The development proposes a height of 5.93m which does not exceed the height limit and is consistent with the current building height.

Clause 5.10 Heritage conservation

The site is not a heritage item or in a heritage conservation area. The proposed development is located in proximity to a heritage item located to the east of the site, namely 'item 76 - Emu Plains Public School (former) and trees'.

The former Emu Plains Public School site building is significantly setback (approximately 150m from the proposed building extension) and screened by not only existing landscaping/trees but the proposed vegetation/landscape treatment as well.

Council's Heritage Officer was consulted and noted that *"the area has well established trees that are now a focus of the local community's outdoor recreational space. Hence, the extension to the Aldi site should ensure that it is well landscaped to augment to neighbouring heritage site. Landscaping initiatives should endeavour to preserve as much of the existing landscaping on the development site and then be supplemented with auxiliary planting at the perimeter of the site."*

The tree retention, coupled with additional landscaping, will provide a positive visual impact along the Pyramid Street frontage and will not result in any additional impacts to this heritage item. The development is a minor extension to an existing building of similar scale, style and height to the shopping centre building.

Clause 7.2 Flood planning

The subject site is marginally affected by local overland flow flooding however the proposal is sufficiently clear of this affectation. Council's Development Engineer reviewed the proposal and raised no concerns in this regard.

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

It is noted that both the *Draft Environmental SEPP* and *Draft Remediation of Land SEPP* apply to the subject site however they do not affect or alter the recommendation of this report.

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

Development Control Plan 2014

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

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

There are no planning agreements applying to the proposal.

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

The proposal was referred to Council's Building Surveyor who recommended conditions of consent to ensure the development complies with the Building Code of Australia and the relevant Australian Standards.

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

Context and Setting

The proposed alterations and additions are moderate in scale and are not considered likely to have any adverse impact on the surrounding locality. The current Aldi supermarket presents a hard edge façade to the existing car park. The proposed development will result in a new facade treatment including high level windows to improve the visual presentation of the building. The existing signage on the south-eastern elevation will be replaced with a similar Aldi sign and will not result in any additional impacts.

The proposed landscape plans include additional denser landscaping treatment around the existing trees which will provide additional buffering and screening of activities on the site from surrounding properties. Additional trees are proposed to be planted along the Pyramid Street frontage, which will assist with screening/buffering views from the former Emu Plains Public School (heritage item) as well as providing additional tree canopy on the site to compensate for the tree that is proposed to be removed and those two that have recently been removed via a separate tree removal application.

While acoustic screens are required alongside the relocated/altered condenser, this will be appropriately screened by the proposed landscaping. Further, the acoustic screen surrounding the compactor and loading dock are essentially replacing the existing retaining wall and fence that exist at present. That being said, a recommended condition will require the precise colours and finishes to be provided to Council prior to the issue of a Construction Certificate.

Tree Impacts

Tree iQ prepared an Arboricultural Impact Assessment (AIA) to determine whether the proposed works would impact on the existing vegetation on the site. The AIA considered the landscape significance of eight

(8) trees (with one of the trees (Tree 59) being located outside the property boundary) along the north-eastern boundary that had the potential to be impacted by the proposed works. These trees comprise of a mix of locally indigenous, Australian-native and exotic species and none of the trees were listed within Schedule 5 (Environmental Heritage) of the Penrith LEP. These trees are referred to and identified as Tree Nos 54, 55, 58, 59, 60 and 61.

Tree 54 is proposed for removal as part of the works to accommodate the new condenser enclosure. Refer to the appendix of this report for further details. Trees 55-61 are proposed to be retained however, Trees 55, 59 and 60 will need to be pruned to provide clearance to the proposed structures.

The assessment proposes a number of management measures to be considered during construction works to minimise potential impacts on Trees 55-58 and 60-61. The proposal will incorporate fencing around identified trees to outline the Tree Protection Zones in order to protect these trees during the construction phase. Council's Tree Officer raised no objection subject to the recommendations within the arborist report.

Water Quality, Stormwater and Drainage

Stantec Australia Pty Ltd prepared a Stormwater Management Plan (SMP) addressing the stormwater design for the proposed expansion to the existing shopping centre and the associated car parking changes. The MUSIC modelling shows that the proposal adequately complies with and meets the targets for pollutants.

In terms of flooding, it was found that the portion of the site where the majority of works are proposed is not affected by flooding and will not adversely impact the risk of flooding to surrounding properties if a 1% AEP flood event was to occur. Council's Development Engineer reviewed the proposal and raised no objections subject to conditions of consent.

Access, Traffic and Parking

Council's Traffic Engineer reviewed the proposal, including the submitted traffic report and noted that the proposed development will not impact the existing parking and traffic provisions existing on the site. In contrast to the current arrangement, the proposed development provides greater separation between the loading bay and car park for greater safety, while also ensuring any truck can enter and exit the site in a forward direction.

Noise and Vibration

An Acoustic Report has been prepared by Stantec. Residential development surrounds the site and a child care centre is located to the east. The report assesses noise emissions from the proposed development, the new condenser, the relocated compactor and the potential increase to traffic accessing the car parking area. As part of the development, acoustic screening is proposed to screen the relocated compactor area and the new condenser as part of the new plant room. The incorporation of acoustic screening to these areas will assist in reducing the noise generated and will meet noise compliance requirements. Specifically, the assessment states that the construction of the barrier must be at least 0.5m higher than the height of the compactor and be approximately a 2.5m total barrier height to meet the evening criteria (before 10pm). In addition, it was determined that any additional traffic generated by the proposed expansion to the Aldi supermarket will be negligible in terms of traffic noise given the small increase in car parking spaces.

Council's Environmental Management Officer reviewed the proposal and raised no objections subject to conditions of consent. In addition, it is noted no hours of operation were recommended given the existing approved hours under DA01/0029, including delivery service hours, are not subject to change under this application. The acoustic report did utilise these hours in calculating expected noise generation.

Socio-Economic Impacts

The proposal will provide a social and economic benefit for the employees working within the shopping centre, customers of the shopping centre and the local community. The provision of an extended supermarket and embellished landscaped buffer is considered to improve the amenity of the shopping centre.

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

The site is suitable for the proposed development for the following reasons:

- The proposed development is unlikely to have any adverse impacts to the existing trees and the existing amenity of the shopping centre or surrounding area,
- The use is consistent and complementary to the surrounding/adjoining land uses,
- The site is adequately serviced by an existing loading dock, access and parking, water and sewage infrastructure which have the capacity to cope with any increase in demand associated with the proposed use.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of the *Penrith Development Control Plan 2014* and Council's adopted *Community Engagement Strategy and Community Participation Plan 2019*, the application was advertised and notified to surrounding properties between 17 August and 31 August 2020 and re-notified from 22 March to 5 April 2021. No submissions were received in this regard.

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
Heritage	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions
Traffic Engineer	No objection
Tree Management Officer	No objections - subject to conditions

Section 4.15(1)(e)The public interest

Given the nature and scale of the proposal and its general compliance with the applicable development controls, the ALDI supermarket extension and car park and loading dock modifications are not considered to generate any significant issues of public interest.

Conclusion

In assessing the proposed development against the relevant environmental planning instruments being the *Penrith Local Environmental Plan 2010* and *Penrith Development Control Plan 2014*, the proposal satisfies the aims, objectives and provisions of these policies. The site is suitable for the proposed development, the proposal is in the public interest and there is unlikely to be negative impacts arising from the proposed development. Therefore, the application is worthy of support and is recommended for approval, subject to recommended conditions.

Recommendation

That DA20/0457 for the construction of Alterations & Additions to Lennox Village Shopping Centre including ALDI Supermarket Extension & Car Park & Loading Dock Modifications at 2-20 Pyramid Street, Emu Plains (Lennox Village Shopping Centre) be approved subject to the following conditions.

General

1 [A001 - Approved plans table](#)

The development must be implemented substantially in accordance with the following plans and documents 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 documents and by the following conditions.

Drawing Title	Drawing No.	Issue	Prepared By	Dated
Site Context Plan	DA01	A	i2C	26/06/20
Final Site Analysis	DA02	B	i2C	01/03/21
Existing / Demolition Plan - Supermarket	DA03	B	i2C	01/03/21
Proposed Ground Floor Plan - Supermarket	DA04	C	i2C	01/03/21
Proposed Roof Plan - Supermarket	DA05	B	i2C	01/03/21
Proposed Elevations - Sheet 1	DA06.1	B	i2C	01/03/21
Proposed Elevations - Sheet 2	DA06.2	B	i2C	01/03/21
Proposed Sections	DA07	B	i2C	01/03/21
Landscape Plans	L01- L03	D	Lindy Lean Landscape Architect	01/03/21
Erosion and Sediment Control Plan	CI-070-01	C	Stantec	02/03/21
Erosion and Sediment Control Details	CI-076-01	A	Stantec	29/05/20
Stormwater Management Plan	CI-520-01	E	Stantec	02/03/21
Stormwater Drainage Details	CI-526-01	A	Stantec	29/05/20
Waste Management Plan	S0640	C	Elephants Foot Recycling Solutions	02/03/21

- Arboricultural Impact Assessment and Tree Protection Specification, revision D, prepared by Tree IQ, dated 2 March 2021;
 - BCA Design Compliance Report, prepared by Modern Building Certifiers, dated 2 March 2021;
 - Stormwater Management Report, reference 46949, prepared by Georgia Yeoman-Dale, Stantec Australia Pty Ltd, Dated 2 March 2021;
 - Preliminary Site Investigation, reference J168756, prepared by GreenCap, dated 2 March 2021;
 - Acoustic Report - Lennox Village Shopping Centre (46986), prepared by Stantec Australia Pty Ltd, dated 2 March 2021;
 - Assessment of Traffic and Parking Implications, revision F, reference 20093, prepared by Transport and Traffic Planning Associates, dated March 2021.
- 2 [A008 - Works to BCA requirements \(Always apply to building works\)](#)
The work must be carried out in accordance with the requirements of the Building Code of Australia.
- 3 [A019 - Satisfactory inspection prior to use](#)
The development shall not be used, nor an Occupation Certificate issued, until a satisfactory inspection from an authorised officer of Council's Environmental Health Department is carried out. The occupier is to contact the Environmental Health Department to organise an appointment at least 72 hours prior to the requested inspection time.
- 4 [A026 - Advertising sign \(not for residential\)](#)
A separate development approval for the erection of a sign or advertising structure, unless exempt development, shall be obtained.
- 5 [A029 - HOURS OF OPERATION AND DELIVERY TIMES](#)
Hours of operation shall be in accordance with previous development consents issued for the site.

6 [A039 - Graffiti](#)

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

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

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

8 [A Special \(BLANK\)](#)

Prior to the issue of a Construction Certificate, further details, specifications and a sample (i.e. photo) of any acoustic screens required by the Acoustic Report - Lennox Village Shopping Centre (46986) prepared by Stantec Australia Pty Ltd dated 2/3/2021 shall be supplied to Council for review and approval.

Demolition

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

All demolition works are to be conducted in accordance with the provisions of AS 2601-2001 "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 Certifier **prior to commencement of demolition**.

10 [B003 - ASBESTOS](#)

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site**.

Prior to commencement of demolition works on site, a portaloos with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current SafeWork Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current SafeWork Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

11 [B004 - Dust](#)

Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.

12 [B005 - Mud/Soil](#)

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

13 [B006 - Hours of work](#)

Demolition works 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and does not involve external walls or the roof, and does 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

14 **D001 - Implement approved sediment& erosion control measures**

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 installed and maintained in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

The 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.

15 **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) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- 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: an appropriately qualified person is "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, 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."}.

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.

16 **D009 - Covering of waste storage area**

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.

17 **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 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.

18 **D013 - Approved noise level 1**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in 'Acoustic Report - Lennox Village Shopping Centre' (46986) prepared by Stantec Australia Pty Ltd dated 2/3/2021. 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 has been 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 an Occupation Certificate.

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

19 **D Hazardous Building Materials Survey**

Prior to the commencement of any works on site, a hazardous building materials survey for the development site is to be undertaken and submitted to Penrith City Council for approval. The survey is to be undertaken in accordance with Work Health and Safety legislation. Should hazardous building materials be identified, a demolition plan to remove these materials is to be provided to Council.

The approved hazardous building materials survey is to be followed for relevant works on site.

20 **D Unexpected Finds Protocol**

Prior to the commencement of any works on site, an Unexpected Finds Protocol (Protocol) is to be developed by an appropriately qualified environmental consultant and submitted to Penrith City Council for assessment and approval. The Protocol is to address, at a minimum, the management of any contamination found on site during the excavation/construction phases of the development. The Protocol is to address, but not be limited to, contaminated soils, groundwater, buried building materials, asbestos, odour and staining.

The Protocol is to be complied with for the duration of the excavation and construction phases of the development.

BCA Issues

21 **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).

Health Matters and OSSM installations

22 **F001 - General Fitout**

The construction, fit out and finishes of the 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*.

23 **F032 - Floor covering**

Approved, recessed coving must be provided at all intersections of the floor with the walls within all storage. All coving must have a minimum concave radius of 25mm and be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface.

24 **F035 - Ceilings**

The ceiling in the service areas must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight jointed, sealed and dust proofed. Drop-in panel style ceilings are not permitted.

25 **F041 - Roller door for separate storage area**

The drum of the roller door situated in the storage area must be enclosed in a frame sheet with compressed cement sheet, and finished smooth and sealed. The enclosure must be accessible for pest control inspection and maintenance.

26 **F047 - Fixtures & fittings**

All fixtures, fittings and equipment must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning.

All fittings and fixtures must be built into the wall and floor so as to be free from joint, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following:

- a. Plinths – plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.
- b. Wheels or castors – fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.
- c. Legs – fittings and fixtures can be supported on legs but must be constructed of a non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 200mm.

NOTE: False bottoms under fittings are not permitted (AS 4674-2004 – Sections 4.2 and 4.3).

27 **F050 - Light bulbs & tubes**

Light bulbs or tubes are to be shatterproof or fitted with approved light diffusers (covers or shields) to prevent contamination of food by glass from a broken light globe or tube. Light fittings must be free from any feature that would collect dirt or dust, harbour insects or make the fitting difficult to clean. Light fittings must be recessed into ceilings or equipment where possible. Heat lamps must be protected against breakage by a shield extending beyond the bulb.

28 **F051 - Shelving**

Shelves must be smooth and impervious; free from joints, cracks and crevices; and able to be easily cleaned. The lowest shelf must be at least 200mm off the floor to allow easy cleaning underneath. Approved materials must be used, such as galvanised piping, stainless steel or laminated plastic. Shelves are to be sealed to the wall or kept clear of walls to allow easy access for cleaning (>40 mm).

29 **F053 - Coolrooms – condensation**

Condensation from coolrooms and refrigeration motors must discharge to sewer via a tundish with air gap separation in accordance with Sydney Water requirements.

30 **F056 - Storerooms**

The storeroom must be constructed in accordance with AS 4674-2004 by providing the following:

- A smooth, even, non-slip floor surface.
- Coving at all intersections of the floor and walls with approved, recessed coving to a minimum concave radius of 25mm, so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface. “Feather edge skirting” and non-rebated coving are not permitted.
- Walls must be provided with a smooth even surface and painted with a light coloured washable paint to enable easy cleaning.
- The ceiling must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersections of the walls and ceiling must be tight-jointed, sealed and dustproof. Drop in panel style ceilings are not permitted.
- Shelving or storage racks must be designed and constructed to enable easy cleaning.

Utility Services

31 **G002 - Section 73 (not for**

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 an Occupation Certificate.

32 G004 - Integral Energy

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 shall 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.

Construction

33 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 on-site, 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.

34 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 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) 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.

35 [H041 - Hours of work \(other devt\)](#)

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 and 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

36 [K201 - Infrastructure Bond](#)

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 or Subdivision Works 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.

37 [K210 - Stormwater Management](#)

The stormwater management system shall be consistent with plan/s lodged for development approval, prepared by Stantec, reference number 46949, revision 005, dated 2 March 2021.

Details on water conservation measures as outlined in Section 3.1 of Council's WSUD Policy shall also be submitted to Council prior to the issue of a Construction Certificate.

Prior to the issue of any Construction Certificate or Subdivision Works 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) Policy.

Engineering plans and supporting calculations for the stormwater management system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate or Subdivision Works Certificate.

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

Prior to the issue of any Construction Certificate or Subdivision Works 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.

39 [K301 - Sediment & Erosion Control](#)

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.

40 **K502 - Works as executed – General and Compliance Documentation**

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.

41 **K504 - Stormwater Compliance**

Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that the:

a) Stormwater management systems (including on-site detention and water sensitive urban design)

- have been satisfactorily completed in accordance with the approved Construction Certificate or Subdivision Works 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 be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

42 **K601 - Stormwater Management System Operation and Maintenance**

The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

Landscaping

43 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plans and the landscape technical specifications within Appendix F of Penrith Development Control Plan 2014.

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.

44 **L002 - Landscape construction**

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

45 **L003 - Report requirement**

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. This report shall be prepared by a suitably qualified and experienced landscape professional.

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.

46 **L005 - Planting of plant**

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Development Control Plan 2014.

47 **L006 - Aust Standard**

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.

48 **L008 - Tree Preservation Order**

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

49 **L1 Special Appointment of a Project Arborist prior to commencement of works**

A project arborist shall be engaged prior the commencement of work on-site and monitor compliance with all recommendations and protection measures outlined within the approved Arboricultural Impact Assessment and Tree Protection Specification, prepared by Tree IQ, dated 2 March 2021.

The arborist shall have a minimum qualification equivalent (using the Australian Qualifications Framework) of Level 5 or above in arboriculture.

50 **L2 Special Tree to be retained and protected**

The following trees are to be retained and protected, as identified within the approved Arboricultural Impact Assessment and Tree Protection Specification, prepared by Tree IQ, dated 2 March 2021. Failure to comply with this condition is an offence and may incur a fine or lead to prosecution.

- Tree 55 - Melia azedarach (White Cedar)
- Tree 58 - Corymbia maculata (Spotted Gum)
- Tree 59 - Ailanthus altissima (Tree of Heaven)
- Tree 60 - Ailanthus altissima (Tree of Heaven)
- Tree 61 - Eucalyptus saligna (Sydney Blue Gum)

Tree protection measures shall be applied and installed in accordance with the approved Arboricultural Impact Assessment and Tree Protection Specification, prepared by Tree IQ, dated 2 March 2021, as provided by Condition 1 of this consent.

51 **L4 Special (BLANK)**

Prior to the issue of a Construction Certificate, the landscape plan is to reflect the addition of 2 x trees in the locations nominated in red on the stamped plans. These trees are to be a species capable of reaching a mature effective height of 8m.

Development Contributions

52 **N Special**

This condition is imposed in accordance with Penrith City Council's Development Contributions Plan for Non-Residential Development. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$19,449.00 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 7.12 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 7.12 invoice accompanying this consent should accompany the contribution payment. The Section 7.12 Contributions Plan for Non-Residential Development 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.

In addition, given the the proposed cost of carrying out the development is greater than \$750,000, a cost summary report is provided by a a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors in accordance with Section 3.2.3 of Council's Section 7.12 Contributions Plan for Non-Residential Development. The cost summary report is also required prior to the issue of a Construction Certificate.

Certification

53 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 1979, 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 of 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.

54 Q05F - Occupation Certificate

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the altered car park, Aldi supermarket and loading dock.

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.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C1 Site Planning and Design

The Pyramid Street façade seeks to improve the existing conditions and associated architectural response. A continuous high-level glazing strip and parapet bulkhead break down the overall mass of the façade, creates a human scale and promotes activation along this edge. The retained and proposed trees, in conjunction with the landscaping will provide an improved outcome for the locality and add to the visual amenity of the streetscape. Shrubs and other ground coverings will provide screening to the building extension. The new trees to be planted will be mature tree stock.

C2 Vegetation Management

The application was supported by an Arboricultural Impact Assessment and Tree Protection Specification due to the proposal involving the removal of one (1) Spotted Gum tree and construction works located within the Tree Protection Zone (TPZ) of several other trees that are proposed to be retained. The proposal and report were referred to Council's Tree Management Officer who raised no concerns regarding the proposed tree removal given the majority of trees can be retained and one spotted gum will be proposed to compensate for the tree removed. The proposed landscaping along the Pyramid Street frontage adjoining the Aldi extension works was also reviewed and supported.

Furthermore, no objections were raised to the proposed retention and works within the TPZ of Trees 55-61, subject to adherence with the tree sensitive design and construction methods to protect and minimise adverse impacts to the trees recommended in the Arborist's Report. These recommendations include:

- The appointment of a project arborist.
- Existing pavement and kerbs within the TPZ areas should be left in situ (where possible).
- The new supermarket extension (including internal slab), condenser enclosure, enclosure screen and stairs should be installed above existing ground level and supported on an isolated piered footing system (with all other parts of the structures positioned above existing ground levels). Excavation for isolated piers within the TPZ areas should be undertaken using tree sensitive methods (hand/hydrovac/air spade, etc) and pier locations should be flexible and/or the footing design modified to enable the retention of roots (>25mmØ) as required by the Project Arborist.
- The Indicative Footing Detail on the Proposed Sections Plan (DA07 B) shows the finished floor level of the supermarket extension as 26.235. The Survey Plan indicates existing car park levels (bottom of kerb) as 26.10. Therefore, after tree sensitive demolition of the asphalt, the upturned beam and bottom of slab can be installed above existing grade. The slab thickness should be limited to no greater than 150mm.
- A minimum clearance of 200mm should be provided between the tree, condenser enclosure sub-frame and acoustic screen.
- The existing footpath and car parking spaces should be demolished in small sections using a compact excavator guided by a spotter. The surface should be lifted without disturbing the underlying soil profile and machinery should work from areas of the existing driveway surface.
- Sub-base layers (where present) should be carefully removed using hand tool only. Roots (>25mmØ) present within sub-base layers should be retained and protected from sunlight and desiccation with a covering of damp hessian or geotextile fabric.
- The footprint of the footpath and car parking spaces should be backfilled with an 80/20 (washed river sand/screened topsoil) blend. Soil should be moved using wheelbarrows and spread using hand tools only.

Adherence to these recommendations are ensured via a condition of consent. In this regard, the proposed development is considered to be appropriate and will not cause detrimental impacts to the trees that are to be retained.

A previously detailed, it is worth noting that Trees 56 and 57 have been removed via a separate tree removal application due to high risk. However, as the arborist had recommended the retention of these trees, a recommended condition will require replacement trees within the landscaped setback along Pyramid Street with like for like species and mature stock.

C10 Parking

The proposed development comprises the following gross leasable area:

Component	Gross Leasable Area (GLA)
Existing ALDI store	1,469m ²
Demolished ALDI store	202m ²
Proposed ALDI extension	419m ²
Total Proposed ALDI	1,686m ²

Council's parking code indicates a required provision for supermarket use of 1 space per 10m² of floor area that is to be used for retailing activities. Application of this requirement to the proposed additional GLA of 217m² would require 22 spaces.

The development will demolish 12 existing parking spaces and loading area (which can accommodate up to 2 SRVs) and proposes 28 new car parking spaces (including 2 loading spaces to accommodate utes/vans/B99 cars). This results in a net increase of 16 car parking spaces (including 2 loading spaces) which falls short of the DCP requirement by 6 spaces.

The submitted Traffic Report suggests this shortfall can be accommodated in the overall centre car parking. More specifically, surveys were undertaken in 2018 and 2020 showing there was a minimum parking vacancy of 46 spaces during peak hours:

"With the additional 16 car spaces, the overall Centre will have a revised car parking capacity of 437 spaces and a minimum peak hour availability of 62 car spaces. While the proposed development represents a very minor shortfall of 6 spaces when assessed against the DCP criteria, it is apparent that the additional car parking demand associated with the proposed development can be accommodated within the expanded car park. It should be noted that a majority of the customers of the proposed development are expected to be people already visiting the shopping centre or the existing ALDI store."

In addition, it is noted that Council records indicate that a previous development application (DA09/1329) for the refurbishment and alteration of 'The Lennox Shopping Centre' included 420 on-site car parking spaces which included a surplus of parking relative to the requirements at the time. To elaborate, the retail area was required to provide a total 404 on-site parking spaces which meant that the proposed parking spaces of 420 on site were more than satisfactory.

Therefore, given the current underutilisation of the existing car park and the approved parking surplus on the site, it is considered that the additional 16 spaces should adequately meet the parking demands from the development. Council's Traffic Engineer reviewed the proposal and raised no objections in this regard while also noting the traffic type and volume generated by the proposed development can be accommodated in the road network.