JRPP Number	2014SYW083
DA number	DA14/0661
Capital Investment Value	$46,965,000
Assessing Officer	Belinda Borg - Senior Environmental Planner
Local Government	Penrith City Council
Proposed Development	Western Sydney Community & Sports Centre
Property Description	Lot 13 DP 710086 and Lot 151 DP 863625
Property Address	No. 123-135 Mulgoa Road Penrith
Date Received	17 June 2014
Type of Development	Advertised Development
Recommendation	Approval, subject to conditions of consent

Assessment Report and Recommendation

Executive Summary

On 17 June 2014 Council received a Development Application which involves the construction of the Western Sydney Community & Sports Centre on the property known as 123-135 Mulgoa Road Penrith.

The subject site is located within the Panthers Penrith Precinct and is zoned SP3 Tourist under Penrith Local Environmental Plan 2010. The proposed development is defined as *Recreation Facility (indoor)* and *Function Centre*, which are considered to be permissible under the provisions of the Penrith Local Environmental Plan 2010.

The proposed Western Sydney Community & Sports Centre is a project co-funded by the Commonwealth Government ($12 million) through the Round Four of the Regional Development Australia Fund, which was established to support needed infrastructure that promotes stable, secure and viable local and regional economies.

The proposed development has a 'capital investment value' (CIV) of $46,965,000. Given that the CIV is in excess of $20 million, the proposed development is to be determined by the Joint Regional Planning Panel (JRPP) – Sydney West pursuant to Section 23G and Schedule 4A (3) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The subject application was placed on public exhibition and notified to adjoining property owners from 7 July 2014 to 5 August 2014. One (1) submission was received at the end of the exhibition period.

An assessment under Section 23G and Section 79C of the Environmental Planning and Assessment Act 1979 (as amended) has been undertaken. After detailed consideration of all matters, the report recommends the JRPP grants a deferred commencement consent to the proposal subject to the imposition of conditions of development consent.

There are six appendices to this report, as detailed below.

- Appendix No. 1 – Location Plan
- Appendix No. 2 – Aerial View of Site
- Appendix No. 3 – Office of Water General Terms of Approval

- Appendix No. 4 – Architectural Plans
- Appendix No. 5 – Landscape Plans
- Appendix 6 – NRL Academy Approved Plans.

Background

The Penrith League Club premises has been subject to a number of recent development proposals including the following:

- Construction of an NRL Academy, Sporting Fields and associated car parking (DA13/1304 – Refer to Appendix 6)
- Office Administration Building Addition (DA13/0263); and
- Alfresco Terrace Extension and internal refurbishment works (DA13/0267).

Prior to the submission of the Development Application, a number of meetings were held with the applicant and Council staff to discuss the proposed development, including:

- Pre-lodgement Meeting held on 15 April 2014
- Urban Design Review Panel Meeting held on 14 April 2014; and
- Access Committee Meeting held on 9 April 2014 and 11 June 2014.

The application submitted to Council has been prepared with regard to the matters raised during the assessment process and by the UDRP. The key issues identified during these initial design meetings related to traffic, stormwater and flooding impacts.

Site and Surrounds

The subject site is situated on the western side of Mulgoa Road, between Ransley Street to the north and Jamison Road to the south and is identified as part of the "Penrith Panthers Club". The site covers five (5) separate landholdings with a total area of 9.276m2 The current proposal is located in the western portion of the site, immediately adjoining the Chifley Hotel and Panthers Club premises. Refer to Appendix No. 1 and Appendix No. 2 for a location plan and aerial view of the site.

The portion of the site associated with the proposed development is currently occupied by demountable office buildings, internal road, car parking, swimming pool and open space areas, which are to be removed as part of the development.

The Panthers Penrith Precinct itself provides for a wide range of entertainment, function space, and recreational uses and food outlets. The locality includes a mixture of low and medium density housing, seniors living accommodation, Centrebet Stadium, Penrith Paceway and open space.

Proposed Development

The proposed construction of the Western Sydney Community Sports Centre at Penrith Panthers includes the following aspects:

- Demolition of existing building, swimming pool, pavements and tree removal;
- Construction of a two storey Community and Sports Centre with a total floor area of 12,926m2 comprising:
    - Ground Floor: A sports hall, exhibition hall, scout hall, education rooms, function areas and associated service areas and amenities;
    - Level 1: A gym, office areas, associated amenities and plant areas;

- Roof: Plant areas.

- New at-grade car park containing 295 spaces and 6 accessible spaces;
- Construction of new internal roads;
- Construction of a new entry/ exit point to the site from Jamison Road, including a new signalised intersection;
- Road upgrade works in Jamison Road;
- Construction of a new entry to the existing “Cables” ski lakes;
- Related landscaping, stormwater drainage and utility infrastructure works.

The proposed operating hours of the various uses within the Community Sports Centre are:

- Sports Hall: 5:30am to 12:00am Monday to Sunday
- Gymnasium: 5:30am to 12:00am Monday to Sunday
- Exhibition Hall: 6:00am to 12:00am Monday to Sunday
- Function Centre: 8:00am to 1:00am Monday to Sunday
- Community Uses: 8:00am to 10:00pm Monday to Sunday.

Delivery, garbage collection and service vehicles generated by the development will be limited to 7:00am to 10:00pm Monday to Sunday. All waste will be stored within the building and collected by a commercial contractor.

It is noted that a separate Development Application will be required for the following works associated with the Western Sydney Community Sports Centre:

- Advertising Signage
- Fitout of the Café.

The following documents have accompanied the subject application: -

- Survey Plan, prepared by Freeburn Surveying
- Architectural Drawings, prepared by Cox Richardson Architects
- Architectural Design Statement, prepared by Cox Richardson Architects
- Cost Statement, prepared by Rider Levett Bucknall
- Department’s written advice on State Significant Development, issued by Department of Planning and Infrastructure
- Landscape and Public Domain Plan, prepared by Site Image
- Tree Report, prepared by Treescan
- Supplementary Flood Assessment, prepared by J. Wyndham Prince
- Flood Response Plan, prepared by Molino Stewart Pty Ltd
- Civil Plans, prepared by Diversi Consulting Pty Ltd
- Services Statement, prepared by Diversi Consulting Ply Lid
- Access Report, prepared by Morris Goding Accessibility Consulting
- BCA Assessment, prepared by Blackett Maguire + Goldsmith

- Fire Engineering Concept, prepared by Aurecon
- Environmentally Sustainable Design Approach, prepared by Cundall
- Acoustic Impact Assessment, prepared by Acoustic Logic
- Traffic Statement, prepared by GHD
- Waste Management Plans, prepared by Waste Audit & Brookfield Multiplex
- Geotechnical Report, prepared by Douglas Partners

Planning Assessment

The proposal has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979, with due regard to relevant legislation and planning instruments cited as follows: -

- Water Management Act 2000
- Sydney Regional Environmental Plan 20 – Hawkesbury / Nepean River
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2010.

Having regard to the above legislation, planning instruments and policy, the following key issues have been identified for discussion.

1. <u>Section 23G - Joint Regional Planning Panels</u>

A regional panel is taken to be the Council whose functions are conferred on a regional panel. In this case, the Sydney West Joint Regional Planning Panel is the consent authority as conferred on it under Section 23G and Schedule 4A (3) of the EP&A Act.

<u>2. Water Management Act</u>

The subject site has been identified as containing a number of natural watercourses and water bodies. The proposed development is considered to be a controlled activity and, as such, the proposal is considered to be an Integrated Development Application.

General Terms of Approval were provided by the Department of Primary Industries Office of Water on 18 July 2014. Subsequently, discussions were held regarding the preparation of a Vegetation Management Plan and possible impacts on flooding levels within the locality.

The Office of Water provided further advice detailing:

The Vegetation Management Plan (VMP) expected by us should also be in keeping with Council's requirements for flood management. The VMP should be accompanied with Council's requirements in this respect. This will be accepted by us.

While the Office of Water has guidelines for riparian corridors, the requirements do not override your requirements.

We would be looking at our setbacks and some moderate vegetation.

As a recommended condition, Council will require that no permanent off site flood level beyond the boundaries of the site. Any temporary off site flood level increases will need to be approved in writing by Penrith City Council (Refer to Recommended Condition 4.84).

The General Terms of Approval have been included within Schedule 3 of the Recommended Conditions.

3. Section 79C (1) (a) (i) – Any Environmental Planning Instrument

State Environmental Planning Policy No 55 – Remediation of Land

In the past, the Panthers site has been filled to facilitate the use of the land for landscaping, tennis courts, club facilities and car parking. Prior to the Panthers development, the land us understood to have been used for grazing as a part of a dairy farm.

The proposed Western Sydney Community Sports Centre is located within an area of demountable buildings, car parking and open space areas. It is considered the proposal will not impact upon or be affected by potential contamination.

Having regard for the above, it is considered the site is suitable for the proposed development and therefore a preliminary SEPP 55 report in regard to the remediation of land is not considered necessary in this circumstance.

Sydney Regional Environmental Plan No 20 – Hawkesbury/Nepean River Catchment

SREP 20 aims to protect the environment of the Hawkesbury-Nepean River by ensuring that the impacts of future land uses are considered in a regional context. Of most relevance to the proposal is the requirement to assess the development in terms of the impact of the development on water quality, particularly as that relates to the water cycle or on flora or fauna. It is proposed to discharge stormwater from the development to the existing stormwater system. Subject to appropriate conditions relating to stormwater control, and sediment and erosion control during construction, the proposal will be consistent with the policy, particularly in relation to total catchment management and water quality in the metropolitan area.

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 of the abovementioned SEPP requires Council to consult with the Roads and Maritime Service as the size of the proposed recreational facility and function centre has the potential to generate significant volumes of traffic. More specifically sub-clause (3) is as follows:

Before determining a development application for development to which this clause applies, the consent authority must:

- *give written notice of the application to the RTA within 7 days after the application is made, and*
- *take into consideration:*
  - *(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
  - *(ii) the accessibility of the site concerned, including:*
    - *(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
    - *(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
  - *(iii) any potential traffic safety, road congestion or parking implications of the development.*

The matter was referred to the Roads and Maritime Service and they have advised that they have no objection subject to conditions of development consent.

Penrith Local Environmental Plan 2010

Permissibility

The subject site is zoned SP3 Tourist under Penrith Local Environmental Plan 2010. The proposed development is defined as *Recreation Facility (indoor)* and *Function Centre,* which are considered to be permissible under the provisions of the Penrith Local Environmental Plan 2010.

It is noted that the proposed gymnasium includes child-minding facilities. A child care centre is a prohibited land use within the zone, however as the child-minding facilities are operated as a part of the services provided by the gymnasium, they are considered to be an ancillary use of the permissible land use.

LEP and Zones Objectives

The proposed development is consistent with the aims and objectives of both the LEP and the zones themselves.

Clause 4.3 Height of Buildings

Clause 4.3 of Penrith Local Environmental Plan 2010 relates to building heights and states the following:

(1) The objectives of this clause are as follows:

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

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

(c) to minimise the adverse impact of development on heritage conservation areas and heritage items,

(d) to nominate heights that will provide a transition in built form and land use intensity.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The Height of Buildings Map identifies the area in which the proposed Community Sports Centre is to be constructed having a height limit of 20m. The proposed development is consistent with the maximum building height controls, as the building will have a maximum height of 16.5m.

Clause 6.3 Flood Planning

Clause 6.3 of Penrith Local Environmental Plan 2010 outlines a number of controls relating to the development of land that is located within a “Flood Planning Area”. The proposed Western Sydney Community Sports Centre is located within a flood affected area of the site.

The Development Application did not include a holistic flood impact assessment report. However detailed flooding information has been provided by Worsely Parsons for consideration and assessment. Council agrees with the assumptions provided within the documentation. Appropriate conditions of consent ensure the objectives and controls of Clause 6.3 are achieved.

2. Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instruments

a) Draft Penrith Local Environmental Plan 2010 (Stage 2).

Stage 2 of the Penrith Planning Proposal outlines that;

"..*this Planning Proposal addresses the matters that are required to deliver a comprehensive Local Environmental Plan (LEP) for Penrith. The Planning Proposal covers all land within the City of Penrith, excluding land covered by State Environmental Planning Policy (Western Sydney Employment Area) 2009 and deemed State Environmental Planning Policy SREP No. 30 – St Marys. It is intended that the Planning Proposal will evolve and develop as agency and community consultation is undertaken".*

The Penrith Planning Proposal was placed on public exhibition on 13 May 2013 with exhibition finishing on 5 July 2013.

It is noted that the site is zoned under Penrith Local Environmental Plan 2010 and the Penrith Planning Proposal does not alter the current zoning of the site.

3. Section 79C(1)(a)(iii) – Any Development Control Plan

Penrith Development Control Plan 2010

DCP Objectives

It is considered that the objectives of the DCP have been satisfied.

Penrith Development Control Plan 2010 applies to the land. The proposal has been assessed, having regard to the provisions of Part C – Controls applying to all land uses and Part E Section E6 – Panthers Penrith Precinct of DCP 2010 as detailed below:

C2 - Vegetation Management

A tree management report has been provided detailing the removal of forty (40) trees in association with the proposed development. The proposal was referred to Council's Landscape Architect and no objection was raised to the removal of the vegetation due to the proposed level of replacement vegetation within the development.

A detailed landscape plan has been provided outlining a planting and paving plan to support the use of the building, the construction of internal roads and car parking areas. The proposed level of planting is sufficient to replace the trees to be removed, subject to conditions of consent, including the provision of additional trees within the site and Jamison Road.

C3 – Water Management

The development site contains a number of water bodies, including creeks of varying sizes and a number of dams. The development includes works with 40m of Peachtree Creek, with General Terms of Approval provide by the Office of Water (Refer to Appendix 3).

The submission of a Soil and Water Management Plan will ensure appropriate measures are implemented during the event to protect the site.

C5 - Waste Management

The key objective of this section is to ensure that the volume of waste generated during the demolition works is minimised and waste is re-used or recycled.

A suitable waste management plan has been submitted with the application. Recommended conditions of consent will ensure that the waste management plan is implemented.

C10 - Transport, Access and Parking

The architectural and civil plans detail the construction of extensive roadwork's within the site, which includes the following:

- New at grade car park to south of Community Sports Centre containing 295 parking spaces
- New north-south road east of the Community Sports Centre connecting south to Jamison Road (Central Link)
- New east-west road located south of the Community Sports Centre
- New roundabout connecting east-west road to approved NRL Academy Road (Road 3) and associated car park (155 spaces)
- Existing culvert to be modified to suit new road at entrance to Central Link from Jamison Road

The proposed development includes extensive roadwork's within Jamison Road, which include the following:

- New signalised intersection at Jamison Road and Harris Street
- Widening of Jamison Road between Harris Street and Mulgoa Road to include two continuous eastbound lanes within the existing road reserve
- Reconstruction of shared path along the northern side of Jamison Road between Harris Street and Mulgoa Road
- Extension of existing median along Jamison Road between Mulgoa Road and Harris Street.

The roads works within Jamison Road are required as part of the Voluntary Planning Agreement (VPA) between Penrith Rugby League Club, Penrith City Council and the Roads and Maritime Services.

The installation of the signalised intersection at Jamison Road / Harris Street directly impacts on the existing vehicular access point to the ski lakes. A new access point to the ski lakes has been design providing direct access to Jamison Road. The existing driveway associated with the "Cables" ski lake entrance will form part of the bicycle network within Jamison Road.

The Panthers Precinct Masterplan, Transport Strategy (GHD for Panthers Group June 2014) outlines future parking demand for the entire precinct, detailing the masterplan will deliver 4,475 off street parking spaces throughout the precinct, exceeding the expected parking demand of 3,523.

In addition to the proposed car park, during major events the Community Sports Centre will have access to car parking associate with the NRL Academy, future multideck car park (under assessment) and the overflow parking areas of 845 spaces, totalling 1774 spaces.

The Traffic and Parking Assessment Report prepared by GHD detailed the provision of 295 car parking spaces within the car park adjoining the Community Sports Centre, including 6 accessible parking spaces with an additional 845 parking spaces available in overflow parking areas.

Using the provisions Development Control Plan, the proposal would require 1594 car parking spaces. In light of the car parking approach detailed within the Traffic and Parking Assessment Report combined with the Transport Strategy, Council's Traffic Officers are satisfied with this approach to provide appropriate level of parking to facilitate the Community Sports Centre.

The proposed development was referred to the Roads and Maritime Service for consideration under Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 and no objection was raised subject to conditions of consent (Refer to Recommended Condition 109 – 115).

The Traffic and Parking Assessment Report also includes the provision of 30 bicycle parking spaces, which is considered to be appropriate and will promote local residents accessing the Community Sports Centre to use alternative forms of transport to motor vehicles. Bicycle racks are proposed to be located near the entrance to the Community Centre however, the final location will be determined at a later stage.

In summary, the Council's Traffic Engineer and the Roads and Maritime Services are satisfied with the proposed access, parking arrangements and traffic related aspects of the proposal subject to the recommended conditions of consent.

E6 – Panthers Penrith Precinct

Section E6 - Panthers Penrith Precinct applies to the development site, with the Community Sports Centre being located within the Recreation Zone.

The DCP outlines that the Panthers Penrith vision is to create a vibrant entertainment, leisure, lifestyle and sporting precinct that offers a range of activities to attract a diverse mix of locals and intrastate, interstate and international visitors.

The location of the Community Sports Centre is consistent with the intended location of structures within the "Entertainment, Tourism, Leisure and Lifestyle Precinct" and "Mixed Use Precinct".

The design of the proposed development activates the lake as a focal landscape element within the site while demonstrating architectural excellence, providing a high quality asset for Penrith.

Appropriate conditions of consent have been included requiring the proposed road widths are consistent with the requirements of the Development Control Plan.

Section 79C(1)(a)(iiia) – The provisions of any Planning Agreement

The development site is affected by a Voluntary Planning Agreement, dated 28 November 2012. The Voluntary Planning Agreement relates to development contributions towards public facilities, with Council, Penrith Rugby League Club and the Roads and Maritime Services being the parties to this agreement.

In accordance with the Voluntary Planning Agreement, the construction of the Western Sydney Community Sports Centre and associated car parking will trigger the following works:

- Construction of intersection at Harris Street and Jamison Road, with provision for a 15 metre long sheltered right turn bay from Jamison Road into Harris Street and a 30 metre long sheltered right turn bay from Jamison Road into the new Southern Riverlink Access and provision of appropriate traffic signals at the Jamison and Harris Street intersection.
- Widening of Jamison Road between Harris Street and Mulgoa Road to include two continuous eastbound lanes within the existing road reserve.

- Retention and, if necessary reconstruction, of a 3m wide shared path along the northern side of Jamison Road between Harris Street and Mulgoa Road.
- Extension of the existing median along Jamison Road between Mulgoa Road and Harris Street.
- Construction of a second right turn bay from Jamison Road eastbound into Mulgoa Road (30m). Existing right turn bay (45m) to be retained.

During the assessment of the Development Application, discussions have been held between the three parties in relation to amending the Voluntary Planning Agreement, in particular delaying the trigger for the construction of the second right hand turn bay from Jamison Road eastbound into Mulgoa Road.

At the time of preparing the Voluntary Planning Agreement, the staging of works within the site is vastly different to the scheduling proposed by the applicant.

The timing of the Western Sydney Community Sports Centre does not generate traffic levels that would result in the Jamison Road/ Mulgoa Road intersection failing without the construction of the second right hand turn bay from Jamison Road eastbound into Mulgoa Road.

However to enable the determination of the Development Application, the proposed development is required to be consistent with the Voluntary Planning Agreement, and as such, appropriate conditions have been recommended that the proposed development is consistent with the Voluntary Planning Agreement or as amended (Refer to Recommended Condition 4.85).

Section 79C(1)(a)(iv) – The Regulations

Subject to the imposition of conditions of consent, Council's Building Surveyor has raised no objection to the proposed development regarding fire safety considerations as prescribed under the *Environmental Planning and Assessment Regulation 2000*.

Section 79C(1)(b) – The Likely Impacts of the Development

Culvert Design

The construction of the signalised intersection at Jamison Road requires works within the existing channels through the site, including culvert modifications.

During the assessment of the proposal, a Trunk Stormwater Drainage Assessment was prepared by Diversi for consideration.

Council's Development Services Engineers have recommended that a deferred commencement condition be recommended to provide additional information. The revised information is required to demonstrate that the culvert modification works (within Panthers property) do not raise the HGL at the culvert entry (boozoka channel) on the eastern side of Mulgoa Road.

The deferred commencement condition has been included within Schedule 1 of this report.

Context and Setting

The proposed development seeks to construct a Community Sports Centre which includes a sports hall, exhibition hall, scout hall, education rooms, function areas, gymnasium, office areas and associated amenities and at grade car parking areas.

Associated with the design of the building is the construction of a new car park, internal roads and associated pedestrian pathways connecting the car park to the Community Sports Centre. Significant landscaping and associated drainage works

will be implemented with land surround the proposed building. The users of the demountable buildings will be accommodated within the approved NRL Academy and additional office space currently under construction within the Club premises.

The location of the proposed Community Sports Centre and associated car park are sited within Penrith Panthers that is currently being underutilised. The location of the buildings are responsive to the site constraints of the site, in particular flooding and existing infrastructure, while providing large setbacks to the adjoining residential area of Jamisontown to protect the amenity currently enjoyed by these residents.

The implementation of new internal roads and a signalised intersection within Jamison Road will provide improve transport connectivity to the local and regional road network.

The proposed development seeks to expand community facilities within the Penrith LGA, providing new facilities for netball and wheelchair rugby and adaptable function areas. The provision of such facilities will benefit the local residents of the LGA and promote Penrith as a destination location.

The proposal is therefore compatible with the future character of the Panthers Penrith Precinct and will have no major impact on the amenity of the area. The proposal will have no adverse impacts on the natural environment.

Urban Design

The proposed Community Sports Centre has been sited on the western side of the Chifley Hotel and Penrith Panthers Club building within an area of the site that is currently being used as office space (demountable buildings) car park, swimming pool, internal roads and open space. The Community Sports Centre has been designed with a mixture of cement panels, glazed facades, metal deck roofing and cladding to provide a modern building aimed at being the gateway structure to the Panthers Penrith Precinct while complementing the design of the existing buildings within the site.

The design of the roof form provides design elements that assist in reducing the bulk and scale associated with the Community Sports Centre and provides visual interest within the street elements of the building. The transparent form of the building will also provide good levels of active and passive surveillance of pedestrians and ensure CPTED principles are implemented within the design of the development.

The construction of the Community and Sports Centre will activate an underutilized area of the Panthers Penrith Precinct and provide extensive and adaptable exhibition, function and sports related spaces for use by the public.

The car park area and associated road networks has been designed to work with the existing built structures and recent development approved on the site, in particular the NRL Academy. The development will result in the extension of pedestrian network within the site and Jamison Road.

Clear pedestrian and vehicle access points have been provided within the design and resulting in no conflict between the movement of people and vehicles within the car park.

During the assessment of the Development Application, consultation was undertaken with Council's Urban Design Review Panel, who are supportive of the proposal.

Landscape Design

The application has been accompanied by a landscape and public domain plan which provides schematic landscaping throughout the site. The proposed landscape

works will provide for the high-quality embellishment of the site with suitable ground covers, shrubs and trees which, at maturity, will complement the scale, design and function of the development.

Council's Landscape Architect has considered the landscape and public domain plan and is generally supportive of the plans, subject to the following amendments:

- Provision of additional street trees within Jamison Road, west of the Harris Street intersection
- The provision of additional canopy trees within the car park
- Replacement of Cabbage Tree Palms with canopy trees that will provide effective shading, amenity and comfort to users of the waterfront plaza area
- An attractive and effective barrier along the southern side of the east-west road is required to contain pedestrian movements to designated crossing areas
- Provision of screening of the water tanks
- Implementation of the Way-Finding Strategy within the site
- Provision of additional details relating to the pot size and mature height of the vegetation to be planted
- Details of any boundary fencing to be implemented within the site
- Cycle parking shall be provided at key building entry points.

The submission of an amended Landscape plan will be required as a condition of consent to address the above matters (Refer to Recommended Condition 104).

Accessibility

The Access Report accompanying the development application, prepared by Morris Godin Accessibility Consulting, concludes that the proposal provides equitable access for people with disabilities so as to comply with the accessibility requirements of the Building Code of Australia, Australian Standard 1428 and the primary objectives of the Commonwealth *Disability Discrimination Act 1992*. The detailed design recommendations of the Access Report shall be incorporated into the Construction Certificate plans and the works certified accordingly prior to occupation of the building. This matter can be conditioned accordingly.

The proposal development was reported to Council's Access Committee at its meeting held on 9 April 2014. At that meeting the Committee requested the following matters be considered in Council's assessment of the proposal:

- The long expanse of the gymnasium results in an excessive distance to the lift (approximately 150m)
- Proximity to the lift access should be reviewed
- The stepping of the terrace areas outside the building should provide for suitable accessibility
- All building entries should be accessible
- Accessible sanitary and support sanitary facilities should be dispersed throughout the building and not concentrated in one area
- Suitable change room areas and facilities should be provided in the toilets, including for adults with changing requirements. These facilities should also be parent friendly
- Accessible change rooms and showers should be provided for the sports hall
- Accessible parking should have a direct route to the facility. A 1:14 grade is required for the accessible parking

The Access Committee requested that the proposed development be re-reported to review the final detailed design plans. A further presentation was provided to the Access Committee on 11 June 2014, which determined the proposed development was satisfactory.

Social and Economic Impacts

Opportunities for employment during the construction and operation of the Community Sports Centre are a positive outcome of the proposed development.

The facility will boast a wide range of functional uses that are not adequately catered for within the local government area, attracting a wide range of users and contributing to Penrith's role as a destination for social activity, cultural activities, sports, entertainment, lifestyle, health and business.

Community Safety

The application was accompanied by a Statement of Environmental Effects, prepared by Architectus which considered Crime Prevention through Environmental Design (CPTED) principles of the Western Sydney Community Sports Centre, car park and associated landscaping.

Consideration of the information provided was considered by the Community Safety Coordinator who outlined the following:

Advice from Penrith Police indicates that as a large licensed venue in the Penrith LGA the Panthers site has had a history of alcohol-related incidents, particularly assaults and antisocial behaviour.

As part of the Panthers complex, the proposed development is a 'multifunctional community hub' with anticipated levels of high use over lengthy operational hours (5.30am-1.00am). The applicant has also indicated that a liquor licence will be sought for the proposal. There is therefore a moderate level of crime risk and antisocial behaviour associated with the proposed development.

The applicant has provided some information regarding CPTED and security measures in the Statement of Environmental Effects. These measures must be conditioned on the development to minimise the risk of crime and promote a safe community space for patrons and staff.

The development must also comply with the CPTED and lighting design principles outlined in Section C1.1.2.5 (Safety and Security) and Section C8 (Public Domain) of the Penrith City Council DCP 2010.

Appropriate conditions of consent have been included in relation to adequate lighting and the provision of CCTV.

Section 79C(1)(c) – The Suitability of the Site for the Development

The site attributes are conducive to the proposed development. The proposal has been designed in a manner consistent with the existing character of the site.

Section 79C(1)(d) – Any Submissions made in relation to the Development

(i) Internal and External Referrals

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

Referral Body	***Comments Received***
Office of Water	General Terms of Approval provided
Roads and Maritime Services	No objections, subject to conditions

NSW Police	No objections
Building Surveyor	No objections, subject to conditions
Environmental Health – Environmental Management	No objections, subject to conditions
Environmental Health – Public Health	No objections, subject to conditions
Environmental Health - Waterways	No objections, subject to conditions
Community Safety Officer	No objections, subject to conditions
Landscape Architect	No objections, subject to conditions
Traffic Engineer	No objections, subject to conditions
Development Engineer	Recommended conditions provided

(iii) Community Consultation

In accordance with Penrith Development Control Plan 2010, the proposed development the proposed development was advertised and notified from 7 July 2014 to 5 August 2014 to adjoining property owners and occupiers. One (1) submission was received in response to the notification process which raised the following concerns:

- *The construction of the signalised intersection within Jamison Road would increase traffic levels within Harris Street and adversely impact on property values.*

Detailed traffic modelling was prepared as a part of the Masterplan process required for the preparation of the Panthers Penrith Precinct Development Control Plan. The traffic modelling for the Masterplan required the provision of a signalised intersection to support the increased use of the site and provide an alternative entry point to the existing access arrangements within Mulgoa Road. The provision of a signalised intersection with Jamison Road will facilitate the safe and efficient movement of traffic within the locality. The construction of the signalised intersection was reaffirmed within the Voluntary Planning Agreement.

There is no evidence that the proposed development will adversely impact on property values within the locality.

4. <u>Section 79C(1)(e) – The Public Interest</u>

The proposal will provide a diverse range of community facility spaces, exhibition and function areas while addressing shortfalls in quality facilities available for such sports and netball and wheelchair rugby.

In view of the above, it is considered that development of the site as proposed would create public benefit, and therefore approval of the application has been recommended subject to certain modifications as discussed in this report.

Section 94 Contributions

There is no Section 94 Contributions Plan applicable to the proposed development.

Conclusion

The proposed development represents an important community facility that provides a wide range of adaptable spaces for the local community. The proposal is a permissible land use and accords with Council's long term planning for the locality.

Conditions of development consent have been proposed which will ensure the effective operation of the Community Sports Centre with minimal impact on the adjoining residential development. The proposed development has been

assessed against the relevant heads of consideration contained in Section 23G, Section 79C and Section 89 of the *Environmental Planning and Assessment Act 1979* and has been found to be satisfactory. The site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of the Joint Regional Planning Panel's support.

RECOMMENDATION

That:

1. The information contained in the report on Development Application No. 14/0661 for the Western Sydney Community & Sports Centre at Lot 13 DP 710086 and Lot 151 DP 863625, No. 123-135 Mulgoa Road, Penrith be be determined by granting Deferred Commencement consent subject to the following conditions.

Schedule 1 -

2.1 Prior to the issue of an Operational Consent the applicant shall provide an engineering assessment of the proposed culvert modification. The engineering assessment is required to demonstrate to Councils satisfaction that there is no adverse impact to the capacity of the existing culvert and upstream drainage channel, this includes but is not limited to:

(a) No reduction in hydraulic efficiency of the local system

(b) No increase in Top Water Levels (TWL) in the channel

(c) No increase in overland flows upstream of the culvert.

The engineering assessment shall undertake a hydrological and hydraulic assessment and provide details of any remediation works required for the existing culverts located in Jamison Road. Any required drainage works will be subject to a Section 68 Local Government Approval.

Schedule 2 – General Terms of Approval from the Office of Water

3.1 These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2014/0661 and provided by Council:

(i) Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid.

If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

3.2 Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

3.3 The consent holder must prepare or commission the preparation of:

(i) Vegetation Management Plan

(ii) Erosion and Sediment Control Plan

(iii) Soil and Water Management Plan.

3.4 All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-/Licensing/Approvals/default.aspx

(i) Vegetation Management Plans

(ii) Riparian Corridors

(iii) Outlet structures

3.5 The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

3.6 The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

3.7 The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

3.8 The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.

3.9 The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

3.10 The consent holder is to ensure that all drainage works

(i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water, and

(ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.

3.11 The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

3.12 The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

3.13 The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

Schedule 3

4.1 A001 - Approved Plans (Detail plan numbers)

The development must be implemented substantially in accordance with the stamped approved plans issued by Penrith City Council and other plans or documents approved by Council, except as may be amended in red on the attached plans and by the following conditions.

4.2 A014 – Boundary Adjustment

The boundary of Lot 151 DP 863625 & Lot 13 DP 710086 is required to be relocated to ensure the Western Sydney Community Sports Centre Building is located on one (1) property title.

A copy of the registered plan 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.

4.3 A017 – Fitout Details of Gymnasium

Prior to the release of a Construction Certificate, fit out details are to be submitted and approved by Penrith Council in relation to the following components of the building:

- Fitout of the Gymnasium.

4.4 A019 – Occupation Certificate

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

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

4.5 A026 - Advertising sign

A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan–Advertising Signs.

4.7 A036 – Baby care room

Baby care rooms shall be provided and maintained in accordance with Penrith City Council's Baby Care Rooms Development Control Plan 2002.

4.8 The operating hours for the development are:

- Sports Hall: 5:30am to 12:00am Monday to Sunday
- Gymnasium: 5:30am to 12:00am Monday to Sunday
- Exhibition Hall: 6:00am to 12:00am Monday to Sunday
- Function Centre: 8:00am to 1:00am Monday to Sunday
- Community Uses: 8:00am to 10:00pm Monday to Sunday

Delivery, garbage collection and service vehicles generated by the development are to be restricted to 7:00am to 10:00pm Monday to Sunday.

4.9 A038 – Lighting Location

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).

4.10 A039 - Graffiti

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

4.11 A046 – Construction Certificate

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

4.12 B001 - Demolition of existing structures

The demountable buildings, swimming pool, car parking and internal roads on the subject site are to be demolished as part of the approved work.

4.13 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 [in accordance with the approved waste management plan for the development. 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.**

4.14 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 any demolition works on site that may involve asbestos material, 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 WorkCover 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 WorkCover 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.

4.15 B004 - Dust

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

4.16 B005 - Mud/ Soil

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

4.17 D001 - Implement approved sediment and 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 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.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

4.18 D002 - Spraygrass

All future grass area that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

4.19 D06A - Use for bulk earthworks/ major filling 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 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 Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

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

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance

Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, 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.”}

4.20 D009 - Covering of waste storage area (Applies to building works/demolition)

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.

4.21 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.

4.22 D Special - Approved noise level

Noise levels from the premises shall not exceed the relevant noise criteria detailed in "Panthers - Western Sydney Community and Sports Centre: DA Noise Impact Assessment" prepared by Acoustic Logic Consultancy Pty Ltd dated 2 September 2014 (Ref. 20140536.2/0209A/R3/BW).

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.

4.23 D026 – Liquid Waste

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.

4.24 D Special – Amplified Music

All windows and entry doors of those rooms where events with amplified music or amplified speech are being held are to be closed during periods of use.

4.25 D Special – Mechanical and Plant Equipment

All mechanical plant and equipment is to comply with the noise criteria outlined in "Panthers - Western Sydney Community and Sports Centre: DA Noise Impact Assessment" prepared by Acoustic Logic Consultancy Pty Ltd dated 2 September 2014 (Ref. 20140536.2/0209A/R3/BW).

Prior to the issue of the Construction Certificate, further details on the type and location of all mechanical plant and equipment associated with the development is to be provided to the Principal Certifying Authority for consideration and approval. Suitable data and information on the noise impacts associated with this plant and equipment is also to be supplied to demonstrate compliance with the established noise criteria.

4.26 D Special – Acoustic Compliance Report

Twelve (12) months after the issue of the Occupation Certificate, an Acoustic Compliance Report is to be submitted to and approved by Council. The report is to be prepared by a suitably qualified acoustic consultant and is to address, but is not limited to, all noise generating activities on the site and the level of compliance with the noise criteria set within the "Panthers - Western Sydney Community and Sports Centre: DA Noise Impact Assessment" prepared by Acoustic Logic Consultancy Pty Ltd dated 2 September 2014 (Ref. 20140536.2/0209A/R3/BW). It is also to consider the requirements of the NSW Environment Protection Authority's Industrial Noise Policy, other relevant guideline documents and the conditions of this development consent.

Should the Compliance Report identify any non-compliance issues, the Report is to provide suitable recommendations for the mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

4.27 D Special – Noise during Construction

Construction activities on the site are to be carried out in accordance with the Construction Noise and Vibration Assessment contained in Section 8 of the "Panthers - Western Sydney Community and Sports Centre: DA Noise Impact Assessment" prepared by Acoustic Logic Consultancy Pty Ltd dated 2 September 2014 (Ref. 20140536.2/0209A/R3/BW).

4.28 E01A – BCA Compliance for Class 2 - 9

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building

4.29 E006 - Disabled access and facilities

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 “Design for Access and Mobility”. Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

4.30 E008 - Fire safety list with Construction Certificate

A fire safety list of essential fire or other safety measures shall be submitted to Penrith City Council prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between:

- the measures that are currently implemented in the building premises, and
- the measures that are proposed to be implemented in the building premises, and must specify the minimum standard of performance for each measure.

4.31 E009 - Annual fire safety statement-essential fire safety

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

(a) deal with each essential fire safety measure in the building premises, and

(b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

4.32 F Special

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 AS4674-2004 Design, Construction and Fitout of Food Premises. (Note: the (Need to be a bit more specific about the kitchen areas).

4.33 F Special

Air-handling systems, hot-water systems, humidifying systems, warm-water systems and water-cooling systems must be installed in accordance with AS/NZS 3666.1:2011 Air-handling and water systems of buildings—Microbial control—Design, installation and commissioning, as applicable to the specific system. An air-handling system must be fitted with supply air filters.

The regulated system shall be thoroughly flushed before being brought into service and shall be located in a position to ensure that the exhaust discharge from the tower is away from occupied areas, air intake and building openings.

4.34 F Special

When an air handling, hot water, humidifying, warm water or water cooling system is installed a certificate is to be obtained certifying that the system has been installed in accordance with the Public Health Act 2010, Public Health Regulation 2012 and AS3666.1:2011.

4.35 F Special

Air-handling systems, hot-water systems, humidifying systems, warm-water systems and water-cooling systems shall be operated and maintained in accordance with the Public Health Act 2010, Public Health Regulation 2012, AS3666.2:2011 Air-handling and water systems of buildings – Microbial control - Operation and maintenance and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease.

4.36 F Special – Public Health Act

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

4.37 F Special - Operational Requirements

A water-cooling system must be equipped with a disinfection procedure that is in operation at all times and that is designed to control microbial growth so that:

(a) the level of Legionella in the system is not more than 10 colony-forming units per millilitre, and

(b) the heterotrophic plate count in the system is not more than 100,000 colony-forming units per millilitre.

If these levels are exceeded, remedial action must be taken as soon as practicable by a competent person or a person acting under the supervision of a competent person. A competent person means a person who is a tertiary

qualified chemist, chemical engineer, engineer or microbiologist and who has relevant expertise.

4.38 F Special – Liquid Discharge

Any liquid discharge from the regulated system, resulting from the operation, maintenance and/ or cleaning operations, is to be disposed of into the sewer system. Discharge into the stormwater disposal system is not permitted.

4.39 F Special – Chemical Storage

All chemicals shall be stored in adequately labelled containers with tight fitting lids and bunded or stored in such a way to prevent the chemical entering the stormwater system.

4.40 F Special – Water Cooling

The occupier of a premises on which a water-cooling system is installed must ensure that the system is certified annually by a competent person as being equipped with a disinfection procedure that is effective under the range of operating conditions that could ordinarily be expected for the system concerned.

The occupier must keep a copy of the most recent certificate at the premises and make it available for inspection on request by an authorised officer of Council.

4.41 F Special Childcare Facility

The child minding facility within the gymnasium shall be fitted out and operated in accordance with the Education and Care Services National Regulation under the Care Services National Law. The child minding facility shall only be used for the purpose of minding children of parents or carer's who are attending the Sports Centre for the purpose of using the gymnasium.

4.42 F Special Kitchen Facilities

Detailed plans and specifications for the construction of all kitchens, serveries, kitchenettes, food, chemical and garbage storage areas , and toilets (used by food handlers) shall be submitted to Penrith City Council for approval prior to the issue of the construction certificate.

The plans and supporting information shall include but not limited to:

- Detailed floor and cross sectional plans, drawn to scale, showing the proposed floor layout and use of each room/area.
- Details of all construction materials and other materials that will be used within the premises (i.e. finishes of all floors, coving, walls and ceilings)
- Elevations of the walls and floor finish, showing the type and method of installation of coving to be used.
- Locations and design details of proposed hand washing facilities.
- Locations and design details of proposed washing and cleaning facilities (cleaners sinks etc) and any floor wastes.
- Proposed location and details of all fixtures, fittings and appliances (including proposed method of installation). This should include details of double/triple bowl sinks and/or commercial dishwasher.
- Details showing location, capacity and clearance of hot water services.

- Design and construction details of cool rooms and/or freezer rooms, including condensation collection and disposal if applicable.
- Proposed location and details of storage facilities for cleaning equipment and staff personal belongings.
- Details on pest management including proofing against pests and installation of insect control devices.
- Lighting and light fittings.
- Pipes, conduits and electrical wiring and their installation.
- Mechanical ventilation and compliance with AS1668 where applicable.

4.43 F Special

A separate development application is required, and shall be submitted to Penrith City Council for the proposed café and any other food business that will operate out of the sports centre. Detailed design plans demonstrating that the fitout and operation can comply with Food Safety Standards 3.2.2 and 3.2.3 of the Australian and New Zealand Food Standards Code and AS4674-2004 Design, Construction and Fitout of Food Premises will be required to support the application.

4.44 F Special - Gymnasium Operation

The gymnasium shall be operated in a clean, hygienic and safe manner. A management plan shall be developed for the gymnasium that includes schedules and procedures for the cleaning and sanitising of the gymnasium, equipment, change rooms and toilets.

A drink stations shall be provided for gym user's that allows the rinsing out of drinking bottles, filling of bottles, and the mixture of sports drink.

4.45 F Special - Separate Approval for beautician/ hairdressing/ skin penetration activity

A separate development application is required to be submitted to Penrith City Council for any proposed beautician or hairdressing activity or skin penetration procedure as defined in the NSW Public Health Act.

4.46 G002 - Section 73 Compliance Certificate

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.

4.47 G004 - Endeavour 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 an electrical service to the development.

The Substation area shall be screened properly and the screen is to be designed in a manner that is compatible and consistent with the rest of the

building. Details are to be submitted to the Principal Certifying Authority for consideration and approval with the construction certificate.

4.48 H041 – Hours of work

Demolition and 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 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.

4.49 H001 – Stamped plans & erection of site notice 1 (Class 2-9)

Stamped plans, specifications, a copy of the development consent and any other Certificates/ Information 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 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 stating the above details is 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 is easily legible from outside the work site.

All construction signage is to be removed when the construction and associated landscaping works have been completed.

4.50 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 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 within the zone of influence of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

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

4.51 H011 - Engineering plans & specifications

Detailed engineering plans and specifications relating to the work shall be submitted to the Principal Certifying Authority (PCA) for consideration and approval prior to the issue of a Construction Certificate.

4.52 H022 - Survey

The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when the building is constructed to ground floor slab level.

4.53 H025 – Construction of garbage rooms

Garbage rooms shall have masonry walls with a smooth face to the full height internally and be provided with a smooth concrete floor. The floor shall be graded and drained to a floor waste connected to the sewer that shall be charged with a suitably located cold water hose cock. Access doors to the garbage store shall be tight fitting solid core or of non-combustible construction.

4.54 A minimum of 295 off-street parking spaces are to be provided, linemarked and maintained for the development. The parking space dimensions and manoeuvring areas are to comply with AS 2890.1, AS 2890.2, the Building Code of Australia and the Commonwealth Disability Discrimination Act.

Of the 295 spaces, 6 parking spaces for persons with disabilities are to be provided in accordance with AS 1428.1 and are to be located close to the pedestrian accessways/entrances to the building.

4.55 K101 – Works at no cost to Council

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

4.56 K202 – Section 138 Roads Act – Minor Works in the public road

Prior to the issue of a Construction Certificate, a S138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

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. Contact Council's City Works Department on telephone (02) 4732 7777 for further information regarding the application process.

Note:

1. Separate approvals may also be required from the Roads and Maritime Service for classified roads.

4.57 K202A – Infrastructure Bond

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 the issue of a Construction Certificate**. The bond is based upon the estimated value of the works in accordance with Council's adopted fee's and charges.

The bond is refundable once a final inspection has been carried out by Council's City Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works.

Contact Council's City Works Department on telephone 4732 7777 or visit website to obtain the form and request for final inspection.

4.58 K203 – Section 138 Roads Act (Roadworks requiring approval of civil drawings)

Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act) and include:

- For provision of the new vehicular access to the ski lake in Jamison Road
- Upgrade of the Pavement in Jamison road. Pavement upgrade works shall be constructed in accordance with the Pavement Design Investigation prepared by Geotechnique P/L, reference 13242/1AA-R1, dated 26/08/2014 & Council record ECM# 6285009
- Any other works triggered by the development that requires separate Council approval.

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

Note:

1. 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.
2. Contact Penrith City Council's **Engineering Services Department** on telephone (02) 4732 7777 to ascertain applicable fees.

4.59 K204 – Section 68 Local Government Act (Stormwater drainage works)

Prior to the issue of a Construction Certificate, the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under S68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Penrith City Council for:

- Culvert modification works near Jamison Road
- Installation of an access driveway to the GPT unit located at the existing culvert.

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

Note:

1. Contact Penrith City Council's **Engineering Services Department** on telephone (02) 4732 7777 to ascertain applicable fees.

4.60 K206 – Road Design Criteria Table

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works and the following criteria:

Road No.	ESA
5	$5x10^5$
6	$5x10^5$

- All footpaths shall be a minimum of 2.5m unless otherwise specified in this consent.
- All roads within the development extent shall have footpaths have on both sides.

4.61 K207 – Road Safety Audit

A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on any proposed roadworks (internal & external to the site) by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

Prior to the issue of the Construction Certificate or Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in the final design.

4.62 K209 – Stormwater Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Engineering Specifications, Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy and include the following amendments:

- No kerb inlet pit shall be located within a kerb return and shall be placed a minimum of 1m from any tangent point or vehicular access point
- All sag points located within a roadway shall be adequately drained by a kerb inlet pit.

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Diversi Consulting, reference number 008-C-9400 to 9415, revision B, dated 10/09/2014.

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

4.63 K215 – Flooding (Floor Levels)

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that all habitable floor levels are in accordance with the stamped approved plans with a minimum floor level of RL 26.3m AHD (combined flood level +0.3m).

4.64 K217 – Flooding : Flood Compatible Materials

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the structure below RL 26.3m AHD (combined flood level +0.3m). has been detailed with flood compatible building components in a accordance with the publication 'Reducing the Vulnerability of Buildings to Flood Damage'

produced by the Hawkesbury-Nepean Floodplain Management Steering Committee .

4.65 K218 – Flooding: Structural Adequacy

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the structure can withstand the forces of floodwater including debris and buoyancy up to the 1% Annual Exceedance Probability Event.

4.66 K221 – Access, Car Parking and Manoeuvring

Prior to the issue of a 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 AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

4.67 K223 – Performance Bond

Prior to the issue of any Construction Certificate, a performance bond is to be lodged with Penrith City Council for culvert modification and associated works.

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note: Contact Council's **Development Engineering Unit** on telephone 4732 7777 for further information relating to bond requirements.

4.68 K302 – Traffic Control Plan

Prior to commencement of any works, a Traffic Control Plan including details for pedestrian management shall be prepared in accordance with AS 1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

4.69 K303 - Dilapidation Report

Prior to the Commencement of Works, a dilapidation report of all infrastructure fronting all development works in Jamison Road is to be submitted to Penrith City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees.

4.70 K402 – Flooding: Surveyor Verification of floor levels

A certificate by a registered surveyor verifying that all habitable floor levels are at or above RL 26.3m AHD (combined flood level +0.3m). shall be submitted upon completion of the building to that level. No further construction of the building is to be carried out until approval to proceed is issued by the Principal Certifying Authority.

4.71 K403 – Flooding: Flood Proofing

All electrical services associated with the proposed building works shall be adequately flood proofed in accordance with Penrith City Council's Development Control Plan relating to flood liable land. Flood sensitive equipment (including electric motors and switches) shall also be located above RL 26.3m AHD (combined flood level +0.3m).

4.72 K405 – Street Lighting

Street lighting is to be provided for all new and upgrade of existing roads, pedestrian crossings, pedestrian refuges, footpaths, shared pedestrian/cycle path and parking areas within the proposed extent of works to Penrith City Council's standards. All lighting shall be provided in accordance with Australian Standard 1158.

4.73 K407 – Major Filling/ Earthworks

All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

4.74 K501 – Penrith City Council clearance – Roads Act/ Local Government Act

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

4.75 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 relating to roads, stormwater or Council owned assets 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.

A set of these 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.

4.76 K503 – Stormwater Compliance

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the:

1. Stormwater management systems (including on-site detention and water sensitive urban design).
2. Any works on Councils road network:
   - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
   - Have met the design intent with regard to any construction variations to the approved design.

- Any remedial works required to been undertaken have been satisfactorily completed.

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

4.77 K504 – Restriction as to User and Positive Covenant

Prior to the issue of an Occupation Certificate, a restriction as to user and positive covenant relating to the:

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

shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage for Building Development.

4.78 K507 – Linemarking & Signage

Prior to the issue of an Occupation Certificate and installation of regulatory / advisory linemarking and traffic signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee. This is required for all road related facilities including the internal road network system, roundabouts and car parking facilities.

Notes:

1. Contact Penrith City Council's **Engineering Services Department** on telephone (02) 4732 7777 for further information on this process.
2. Allow eight (8) weeks for approval by the Local Traffic Committee.

4.79 K513 – Maintenance Bond

Prior to the issue of an Occupation Certificate, a maintenance bond is to be lodged with Penrith City Council for all civil works located in Jamison Road (excluding any works that have been included in the 10 year maintenance contribution fee stipulated by Roads and Maritime Services).

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note:

1. Contact Council's Engineering Services Department on telephone 4732 7777 for further information relating to bond requirements.

4.80 K601 – Stormwater Management system operation and maintenance

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

4.81 K Special – Turf to Verge

All road reserve verge areas noted as being grassed are to be turfed at the completion of the works.

4.82 K Special – Civil Engineering Drawings

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the civil engineering drawings associated with the Construction Certificate approval are amended to comply and include the following items:

- All sag points located in the roadway shall be adequately drained by kerb inlet pits
- The internal access road (east-west direction) that currently links the ski lake to the Panthers site shall include measures that prohibit vehicular access at all times
- Access to the Gross Pollutant Trap (GPT) shall be provided from the internal car park. The access ramp shall be designed in accordance with AS2890 with regard to gradients, width and turning paths. The access driveway shall be a minimum 150 mm thick with two layers of F82 mesh.
- A 3m wide pedestrian/cycle/shared path link from the northern extent of the proposed roundabout (western side) to Jamison Road shall be installed generally consistent with plans prepared by Cox Richards, reference Location Plan DA-10, dated 03/09/2014. The alignment of the pathway is not to direct user's into the car park area and shall be separate to the overflow car park access way
- All pedestrian/cycle/shared path are to have a maximum of 2% crossfall.

4.83 K Special – Roads Act

A Roads Act approval under Section 138 of the Roads Act is to be obtained from the Roads and Maritime Services for works that are subject to the Voluntary Planning Agreement within the Jamison and Mulgoa Road reserve. In this regard, the Roads Act approval from the Roads and Maritime Services is to be gained prior to the issue of the Construction Certificate for the development and prior to the separate Roads Act approval being granted by Council for the driveway works.

A copy of the approved plans shall be submitted to Council for information purposes only.

4.84 K Special – Off site flooding level

The proposed development shall have no permanent off site flood level increase beyond the boundaries of the site. Any temporary off site flood level increases shall be approved in writing by Penrith City Council prior to the issue of a Construction Certificate and supported by a Flood Impact Assessment. The assessment shall also address remediation and timings to bring any off site flood level increases back to pre-development levels.

4.85 K Special- Work within Voluntary Planning Agreement (prior to issue of CC)

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the development complies with the schedule of works and timings as detailed in the Voluntary Planning Agreement for road works dated 28/11/2012 and as amended.

Note:

Roads and Maritime Services have requested that the following works have been highlighted in the development consent:

1. Provisions for a continuous central median along Jamison Road in accordance with the VPA

2. Provisions for right lanes in Jamison Road (west leg) for right turns south in to Mulgoa in accordance with the VPA.

4.86 K Special- Work within Voluntary Planning Agreement (prior to issue of OC)

Prior to the issue of an Occupation Certificate the Certifying Authority shall ensure that all works triggered by this development within the schedule of works and timings as detailed in the Voluntary Planning Agreement for road works dated 28/11/2012 and as amended, have been completed to the satisfaction of the Roads and Maritime Services and Penrith City Council.

4.87 K Special – Amended Civil Engineering Plans

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure the following amendments have been incorporated into the civil engineering plans associated with the Construction Certificate approval for the internal/external road network:

- All internal/external intersections are to accommodate the desirable turning paths for a 14.5m long coach with a minimum of 0.5m clearances from all kerbs, medians, edge lines and centrelines
- Roundabout at the intersection of Central Link (road 5) & Panthers Link (road 6)
- Pavement threshold treatment shall be provided at the entry to the service road (northern leg of intersection of road 5 & 6) including appropriate signage
- All roads shall have minimum travel lane width of 3.5m (measured from lip of kerb and gutter)
- Full barrier pedestrian fence (galvanised) over the culvert in accordance with Austroads and engineering best practice together with a guard rail or similar if required
- Parking bay along the northern side of road 6 (fronting the southern end of the sports centre) shall be a minimum 3m wide to accommodate coach parking
- Road 3 shall be designed to accommodate two 3.5m wide lanes and a 3m wide parking lane on the northern side of the road.
- The kerb inlet pit located within the kerb return (north-eastern corner of the proposed Jamison/Harris street intersection) shall be relocated a minimum 1 m from the tangent point.

4.88 K Special – Amended Civil Drawings in response to Voluntary Planning Agreement

Prior to the civil engineering drawings being submitted to Roads and Maritime Services for the Voluntary Planning Agreement road works, the following items shall be amended:

- The lane priority on the approach (south-bound) to the Jamison/Harris street intersection shall be re-configured so the centre lane is a combined straight-through and right turn & the kerbside lane is a dedicated left turn.
- All pavement construction within Jamison road shall be designed in accordance with the Pavement Design prepared by Geotechnique P/L, reference 13242/1AA-R1, dated 26/08/2014 and Council record ECM# 6285009

- The kerb inlet pit located within the kerb return (north-eastern corner of the proposed Jamison/Harris street intersection) shall be relocated a minimum 1m from the tangent point.

4.89 L001 – General Landscaping

All landscape works are to be constructed in accordance with the stamped approved plan, Sections F5 “Planting Techniques”, F8 “Quality Assurance Standards”, F9 “Site Management Plan” of Penrith Council’s Landscape Development Control Plan.

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.

4.90 L002 -

The approved landscaping for the site must be constructed by a landscape professional listed in Council’s Approved Landscape Consultants Register as suitable to construct category 3 landscape works.

4.91 L003

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 landscape professional listed in Council’s Approved Landscape Consultants Register as suitable to design category 3 landscape works.

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 landscape professional listed in Council’s Approved Landscape Consultants Register as suitable to design category 3 landscape works.

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

ii. Maintenance Report

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

This report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

iii. 3 Year Landscaping Report (category 3 developments)

3 years after an Occupation Certificate was issued for the development, a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works shall prepare a Landscaping Report for Council's consideration and approval, certifying to one of the following:

(a) The landscaping on site has matured and is in accordance with the original landscape approval.

(b) The landscaping on site has not matured in accordance with the original design philosophy and requires significant restoration.

In this case, restoration plans are to be submitted to Council for its consideration and approval. The approved plans shall be implemented at the expense of the property owners.

4.92 L005 - Planting of plant material

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

4.93 L006 - AS requirements

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.

4.94 P002 - Fees associated with Council land (Applies to all works, add K019)

Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

4.95 Q001 - Notice of Commencement & Appointment of PCA

Prior to the commencement of any earthworks, construction or demolition works on site, the proponent is to:

(a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and

(b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a “Notice of Commencement” to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

4.96 Q006 – Occupation Certificate (Class 2-9)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building/tenancy and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

<u>Special Conditions</u>

Security and Safety

4.97 Closed Circuit Television (CCTV) system must be installed within the site in accordance with the following:

- The CCTV to cover all levels of the car park, key thoroughfares and activity nodes, drop off points/taxi zones, loading dock area and any other vulnerable points identified within the development;
- CCTV cameras shall be made of sturdy, vandal resistant materials;
- CCTV cameras must be of good quality, study construction and footage must be of a high resolution to enable use by police if required for criminal investigations;
- Adequate lighting must be provided to enable cameras to operate effectively at night.
- Signage is to be provided within the site to indicate that CCTV cameras are in operation.

4.98 Effective directional signs should be implemented in accordance with the approved Way Finding Strategy.

4.99 All public spaces (including car park, walkways, entrance and exits, ‘break out spaces’, lake edge) are to be lit in accordance with AS 1151.

4.100 The car parking areas must be lit when inn use during night-time hours to ensure public safety.

4.101 All lighting should be vandal resistant. Lighting is to be promptly repaired or replaced in the event of damage/vandalism.

Furniture Design

4.102 Outdoor seating/tables must be of sturdy construction and secured to the ground or stored inside the building outside of the approved operational hours.

4.103 Furniture items installed within the Public Domain shall address universal design principles, inclusion and accessibility. Appropriate spaces beside seats and benches shall be provided to accommodate wheelchairs.

Amended Landscape Plan

4.104 Prior to the commencement of landscape works on site, an amended landscape plan is to be prepared and submitted to Penrith Council for consideration and approval addressing the following:

- A detailed schedule of trees and plants is required, detailing pot and mature size of the vegetation
- Cabbage Tree Palms are to be replaced with appropriate trees that will provide effective shade and amenity and comfort to users of the waterfront plaza area
- The provision of additional canopy planting adjacent to the feature timber deck area is to be provided;
- All landscape beds within the car park are to include the provision of canopy trees
- The aboveground rainwater tanks shall be screened properly and the screen is to be designed in a manner that is compatible and consistent with the rest of the building
- Fencing details are to be incorporate within the landscaping design. The type and alignment shall take into consideration visual amenity as well as security. Any perimeter fencing shall be setback from the boundary to enable landscaping to extend 'outside' the fence to reduce the visual impact of the structure.
- An attractive and effective barrier along the southern side of the east-west road is required to contain pedestrian movements to designated crossing areas. The barrier may be vegetated (with interim other barrier until matured and effective), metal or timber barrier, or a combination of both. It should be attractive and appropriate to the entry experience of that road.
- The provision of street trees within or adjacent to Jamison Road (west of Harris Street/ Jamison Road intersection) for a distance of 70m which are consistent with the street landscape character.

Water Sensitive Urban Design

4.105 The stormwater management system shall be provided generally in accordance with the concept Stormwater Management Plan and WSUD Measures Plan (number 008-C-9131 Revision B prepared by Diversi Consulting dated 3/9/2014 and Panthers Precinct Redevelopment Stormwater Management and WSUD Strategy prepared by Diversi Consulting Pty Ltd lodged for development approval, reference numbers (008-C-911), revision (D), dated (10/9/2014).

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate. The detailed plans must show the locations and details of the CDS GPTs discussed in the WSUD Strategy.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with the Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

4.106 The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records

are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.

4.107 The bioretention basins proposed as part of the stormwater strategy are not to be brought online until a minimum of 80% of the respective catchment is developed unless otherwise agreed with Council.

Bike storage

4.108 The provision of any off-road shared-use paths or on road bicycle lanes are to be in accordance with the relevant sections of Part 6A Austroads Guide to Road Design - Pedestrian and Cyclist Paths; Austroads Cycling Aspects of Austroads Guides; and the NSW Bicycle Guidelines.

The provision of thirty (30) secure bicycle parking at the facility is to be in accordance with AS2890.3:1993 Bicycle Parking Facilities. Details of the bicycle parking areas are to be provided and approved by Penrith City Council **prior to the commencement of landscaping works on the site.**

Roads and Maritime Conditions

4.109 The proposed traffic control signal at the intersection of Jamison Road and Harris Street shall be designed in accordance with the Roads and Maritime Service's Traffic Signal Design Manual, AUSTROADS, Roads and Maritime's supplements and other Australian standards and endorsed by a suitably qualified practitioner.

4.110 A ten (10) year maintenance contribution fee (payable to Roads and Maritime) will apply to the signalised intersection.

4.111 The proposed widening of Jamison Road, between Harris Street and Mulgoa Road, to include two continuous eastbound lands shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice.

4.112 The certified copies of traffic signal design and civil design plans as well as swept path analysis shall be submitted to Roads and Maritime for consideration and approval prior to the release of the Construction Certificate and the commencement of any road works.

4.113 Roads and Maritime fees for administration, plan checking, signal works inspection and project management shall be paid by the developer prior to the commencement of works.

4.114 The developer will be required to enter into ta Works Authorisation Deed (WAD) for the abovementioned traffic signal and civil works. The WAD will need to be executed prior to Roads and Maritime assessment of the detailed traffic signal design plan.

4.115 All works associated with the proposed development shall be at no cost to Roads and Maritime.

Event Management Plan

4.116 Prior to the issue of an Occupation Certificate, an Event Management and Operation Plan, is to be submitted to Penrith Council for consideration and approval, which includes but is not limited to the following:

- Event Emergency Management Plan including First Aid and Medical Plan

- Emergency Access and Evacuation Plan
- Communications Plan detailing event signage to be installed within the site
- Event Transport and Parking Management Plan
- Alcohol Management Plan
- Security Management Plan
- Adjoining Residents Action Plan
- Amenities Plan
- Access Report/ Statement
- Operational details during a flood event.