

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 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 or to specify necessary works to maintain effective functioning of the drainage system, 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 details of repair or augmentation 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 surveysAny 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 12:00 ~~midnight am~~ Monday to Sunday
- Gymnasium: 5:30am to 12:00 ~~midnight am~~ Monday to Sunday
- Exhibition Hall: 6:00am to 12:00 ~~midnight am~~ 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). It is also to comply with the requirements of the NSW Environment Protection Authority's Industrial Noise Policy, other relevant guideline documents and the conditions of this development consent.

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). It is also to comply with the requirements of the NSW Environment Protection Authority's Industrial Noise Policy, other relevant guideline documents and the conditions of this development consent.

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 bunged 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.

DA ~~dr~~ink 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 commencement of works within Jamison Road ~~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 relevant Roads Authority ~~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 roadworks 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 the civil work plans submitted by Diversi~~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 be undertaken have been satisfactorily completed.

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

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 detrimental off site flood level increase beyond the boundaries of the site in a 0.5% AEP event. 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.

Special Conditions

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, sturdy 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 in 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 incorporated 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 lanes 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 ~~relevant Road Authority's Roads and Maritime~~ for consideration and approval prior to ~~the release of the any~~ Construction ~~works 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 a 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.