

# CONDITIONS SUMMARY

<b>Application Number:</b>	DA18/1260
<b>Assessing Officer</b>	Kathryn Saunders
<b>Land to be developed (Address):</b>	Lot 2 DP 1216321 83 Mulgoa Road PENRITH NSW 2750
<b>Proposed Development:</b>	Stage 2 of an Approved Concept Plan Comprising of a 6 Storey Hotel and Ancillary Civil Works

## General

### 1 A001

The development must be implemented substantially in accordance with the following listed plans and reports:

Drawing Number	Plan Description	Revision
S2-DA-001-001	Title Sheet	K
S2-DA-100-001	Location Plan	J
S2-DA-100-002	Site Analysis Plan	J
S2-DA-110-001	Site Plan	K
S2-DA-110-006	Basement 02	K
S2-DA-110-007	Basement 01	K
S2-DA-110-008	Ground Level	K
S2-DA-110-010	Level 01	J
S2-DA-110-020	Level 02	J
S2-DA-110-030	Level 03	J
S2-DA-110-040	Level 04	J
S2-DA-110-040	Level 05	J
S2-DA-110-050	Roof Plan	K
S2-DA-110-100	Accessible Rooms	J
S2-DA-200-010	Site Elevations	J
S2-DA-200-020	Mulgoa Road - South East Elevation	K
S2-DA-200-030	Panthers Link - North West Elevation	J
S2-DA-200-040	Ransley Street - North East Elevation	K
S2-DA-300-010	Section H Longitudinal	J
S2-DA-300-020	Section A	J
S2-DA-300-025	Section J	J
S2-DA-300-030	Section B	J
S2-DA-300-040	Section C Conference Centre Threshold	J
S2-DA-300-050	Section D Hotel Foyer Threshold	J
S2-DA-300-060	Section E Loading Dock Entry	J
S2-DA-300-070	Section F Carpark Entry East	J
S2-DA-300-080	Section J Carpark Entry West	J
S2-DA-300-090	Section H Ransley Street Hotel Frontage Section	J
S2-DA-720-007	GFA Diagrams-Basement - Level 1	K
S2-DA-720-008	GFA Diagrams- Level 2-5	K
S2-DA-750-001	Open Space and Deep Soil	K
S2-DA-760-010	Shadow Diagrams	K
S2-DA-760-020	Shadow Diagrams	J
S2-DA-800-010	Building Height Diagram	J
S2-DA-800-020	Conference Centre Plant Within Roof	K

S2-DA-800-020	Ransley Interface	K
S2-DA-800-040	Façade Details	K
S2-DA-800-050	Façade 3D Views	K
S2-DA-830-001	Material & Finishes	J
S2-DA-840-001	Photomontage	
S2-DA-840-002	Photomontage	
S2-DA-840-003	Photomontage	
S2-DA-840-004	Photomontage	
S2-DA-840-005	Photomontage	

Landscape Plans			
Drawing Number	Plan Description	Date	Revision
OC-L-2000	Cover Page	05.07.19	E
OC-L-2100	Landscape Masterplan Concept Proposal	05.07.19	E
OC-L-2101	Landscape Masterplan Concept Tree Integration	05.07.19	E
OC-L-2102	Landscape Masterplan Concept Feature Strategy	05.07.19	E
OC-L-2103	Landscape Masterplan Phase 2 Circulation	05.07.19	E
OC-L-2104	Landscape Masterplan Phase 2 Proposal	05.07.19	E
OC-L-2105	Landscape Masterplan Phase 2 Paving Diagram	05.07.19	A
OC-L-2106	Landscape Detail Plan Phase 2 Civic Central Plan	05.07.19	E
OC-L-2107	Landscape Masterplan Phase 2 Roof Plan	05.07.19	E
OC-L-2300	Landscape Concept Section Phase 2 Civic Central	05.07.19	E
OC-L-2301	Landscape Concept Section Phase 2 Civic Central	05.07.19	E
OC-L-2302	Landscape Concept Section Phase 2 Civic Central	05.07.19	E
OC-L-2303	Landscape Detailed Section Phase 2 Mulgoa Road	05.07.19	A
OC-L-2304	Landscape Detailed Section Phase 2 Civic Central	05.07.19	A
OC-L-2305	Landscape Detailed Section Phase 2 Civic Central	05.07.19	A
OC-L-2306	Landscape Concept Section Phase 2 Civic Central	05.07.19	A
OC-L-2307	Landscape Concept Section Phase 2 Civic Entrance	05.07.19	A
OC-L-2308	Landscape Concept Section Phase 2 Ransley Street	05.07.19	A
OC-L-2400	Materials Schedule - Ground Level	05.07.19	E
OC-L-2402	Indicative plant schedule	05.07.19	E
OC-L-3000	Landscape General Arrangement Plan	05.07.19	A

as stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

2 A001 - Design Amendments

Architectural plans are to be amended to incorporate the following design changes:

- (a) Swept path diagrams indicating movements for a HRV for the loading bay area are to be provided. Swept paths shall indicate a minimum 0.5m clearance to all fixed structures.
- (b) A final plan indicating the layout of the waste management areas is to be provided to Council for endorsement. The plan shall indicate general compliance with Section C5 Waste management of the Penrith DCP, including waste generation rates, numbers of bins and the required storage and manoeuvring areas.

The amended plans are to be submitted to and approved by the Manager of Development Services at Penrith City Council, **prior to the issue of a Construction Certificate**.

Further to the above, a detailed set of public domain plans are to be submitted to, and approved by the Manager of Development Services at Penrith City Council, **prior to the issue of a Construction Certificate** for the Western Sydney Conference and Community Centre. Plans are to include (although may not be limited to) the following:

- (a) Details of all proposed public domain works, pavement locations and design details, landscaping and the interface with internal site layout, wayfinding, and landscaping;
- (b) Detail of all lighting and services locations; and
- (c) The set of public domain plans shall include pre and post road widening design layout and detail.

Plans are to be prepared in accordance with Section C8 Public Domain of the Penrith Development Control Plan 2014, and the Public Domain Lighting Policy, and Council's Engineering Construction Specifications for Civil Works document.

3 A001a - RMS Conditions

**The development is to remain compliant with the conditions of consent provided by the NSW Roads and Maritime Services in correspondence dated 13 May 2019 (RMS Reference SYD19/00374/01).**

4 A001a - VPA

The amended Voluntary Planning Agreement, in accordance with the letter of offer from Panthers Rugby League Club, dated 15 August 2018 known as 'Planning Agreement - Road Works', is to be executed **prior to the issue of the Construction Certificate** for Stages 1 and 2 being the hotel and Western Sydney Community and Conference Centre (WSCCC). A copy of the signed and executed Planning Agreement is to be provided to the Principal Certifying Authority prior to the issue of that Certificate.

Principal Certifying Authority be provided with a schedule of current development applications, active consents and Construction Certificates, (issued, yet to be issued and those that have been lodged, yet remain unissued). The Schedule is to indicate a tally of gross floor area for each development and is to provide written evidence, detail and confirmation that the requirements and obligations required by the executed VPA have been met. A copy of this schedule is to be provided to all parties being signatory to the VPA, **prior to the issue of the Construction Certificate** for each Stage of the development.

5 A001b - VPA OC

**Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority is to ensure that the amended Voluntary Planning Agreement known as 'Planning Agreement - Road Works' is executed and that all of the applicable requirements of the Planning Agreement - Road Works, have been undertaken and are met.

6 A002 - Public Art

**Prior to the issue of a Construction Certificate** a public art plan and set of documentation is to be provided to Penrith City Council for endorsement. The endorsed public art plan and documentation is to be installed and completed **prior to the issue of an Occupation Certificate**.

**Advisory notes:**

- Council reserves the right to request alterations and additions to the submitted public art plan and documentation, prior to endorsement.
- The application is advised to liaise with Penrith City Council prior to the submission of the requested documentation.
- The requested documentation is to be prepared generally in accordance with the stamped approved Public Art Strategy Panther Precinct - Public Art Report 008-LA-9562 document, prepared by Site Image Public Art Consultants, dated 10th June 2014, issue 04.

7 A005 - Event Mgmt

**Prior to the issue of a Occupation Certificate (OC)**, a comprehensive Event Management Plan shall be submitted to, and be approved by the Manager or Development Services at Penrith City Council. Written confirmation of the Plan's endorsement is to be provided to the Principal Certifying Authority prior to the issue of the OC.

The plans shall include (although may not be limited to):

- Risk assessment
- Marshalling or Stewards
- Hierarchy of event types and traffic management procedures for each
- Security
- Barriers
- Signage
- Regulations
- Event Planning Guide Templates
- Communication and Evacuation
- Accessibility
- Traffic Control and Dispersion

The plan shall be accompanied by a Transport Management Accessibility Plan.

8 A006 - Separate DA for future development stages

This development consent relates to Stage 2 of the development only. The Principal Certifying Authority is to ensure that Stage 1 and 2 of the concept plan approved under DA18/0340, as amended are constructed concurrently.

9 A007 - Fencing

Existing fencing along Mulgoa Road and Ransley Street is to be removed prior to the issue of any Occupation Certificate (excluding fencing surrounding the existing Panthers pylon style sign).

10 A013 - Signage

A final signage strategy and signage and wayfinding plan is to be submitted to and approved by Council **prior to the issue of a Construction Certificate for the relevant Stage**. The Principal Certifying Authority is to be provided with confirmation from Penrith City Council that the submitted plans has been reviewed and are endorsed.

Advisory note

- No signage is approved as part of this development consent. All signage requiring consent from Council, shall be subject to a separate development application.

11 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.

12 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

13 A029 - HOURS OF OPERATION AND DELIVERY TIMES

Approved hours of operation of the Hotel reception and restaurant and bar areas are as follows:

6.00am to 12.00pm Monday to Saturday and;  
6.00am to 11.00pm Sundays.

Delivery vehicles generated by the hotel and WSCCC developments are to be limited to operations between the hours of 7.00am and 9.00pm Monday to Saturday and 8.00am to 9.00pm Sunday.

The operator of the development is to ensure that noise associated with deliveries and waste collection at the site is minimised and where practical, the roller shutter is to be closed whilst waste collection is being undertaken.

14 A032 - Goods in buildings

All materials and goods associated with the use shall be contained within the building at all times. All waste bins and bulky items including recyclable waste, are to be stored in the building at all time. Waste collection is to be undertaken within the building. No approval is granted for waste collection to occur on external hard stand areas.

15 A038 - LIGHTING LOCATIONS

**Prior to the issue of a Construction Certificate**, a final lighting layout plan is to be submitted to and approved by the Manager of Development Services at Penrith City Council. The lighting system shall be installed and shall provide uniform lighting across common areas and driveways in accordance with the final endorsed lighting plan.

The lighting plan shall be consistent with the approved landscaping and open space plans for the WSCCC.

Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses and to avoid unnecessary light spill. 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).

16 A039 - Graffiti

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

17 A046 - Obtain Construction Certificate before commencement of works

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

18 A Special - Cranes

Prior to the erection of any crane or any temporary construction structure at a height greater than the roof of the subject development, written notice shall be provided to Council and the Nepean Blue Mountains Local Health District at least 21 days prior to the erection, indicating at least the following:

- Name of responsible company and relevant contact details.
- Dimensions (height, length, etc.)
- Position and orientation of boom/jib and counter boom/jib
- Length of time that such a crane or structure will be erected on site.
- The management plan and measures that will ensure that the crane or structure will be of least possible impact on flight operations for Ambulance NSW.

Any crane or any temporary construction structure erected at a height greater than the roof of the subject development shall comply with the following:

- Be equipped with medium intensity steady red lighting positioned at the highest point and both ends of the boom/jib and counter boom/jib, such that the lighting will provide an indication of the height of the crane and the radius of the crane boom/jib. Such lighting, which should be displayed at all times of the day and night, should be positioned so that when displayed it is visible from all directions.
- When a crane is unattended for an extended period of time ensure the crane's boom is retracted and lowered as far as possible.
- No part of the crane or structure shall extend beyond the boundaries of the subject development site unless approved by Penrith City Council in consultation with the Nepean Blue Mountains Local Health District. Any encroachment beyond the boundaries of the subject site shall be the minimum amount required to facilitate construction and access all parts of the construction site.

19 A Special - FHB

**Prior the issue of the Construction Certificate**, confirmation and endorsement of the location and design of existing (to be retained) and proposed utility service infrastructure, including fire hydrant booster sets, gas, water and electrical metre/infrastructure, is to be provided to the Manager of Development Services at Penrith City Council.

20 A Special - Final Materials and Finishes

A Final Schedule of Materials and Finishes is to be submitted to and approved by the Manager Development Services at Penrith City Council prior to the issue of the Construction Certificate. Roof surface material is to be nominated.

21 A Special - Hoarding

**Prior to the issue of a Construction Certificate**, details and plans of the proposed construction fencing and hoarding are to be submitted to and approved by the Manager of Development Services at Penrith City Council.

Hoarding or site fencing and associated structures are to be of high quality and are to be recessive in colour and sturdy and semi permanent in material. A photomontage or similar is to be provided which indicated all proposed heights, materials and colours, images and artwork. No advertising is permitted to be installed or included on the hoarding/site fencing. Sales and branding information is limited to 20% coverage for each elevation.

22 A Special - Screening of plant

**Prior to the issue of a Construction Certificate**, a final roof plan with plant and plant screening details is to be provided to Council for endorsement. The plan shall note all materials, finishes and heights of plant equipment and screening structures. The Principal Certifying Authority is to be provided with a copy of the Council endorsed plant and screening plans **prior to the issue of the Construction Certificate**.

All roof mounted plant, ducting or services infrastructure shall be screened from view. No approval is granted for the installation of ducting, conduit, plant or services infrastructure on the external facades of the building, unless it is indicated on the stamped approved plans.

23 A Special - Shutters

No external roller shutters, bars or similar structures are permitted to be installed on the ground floor glazing or façade of the development.

24 A Special CPTED Requirements

The following community safety and crime prevention through environmental design (CPTED) requirements are required to be implemented:

**Lighting**

- All outdoor/public spaces throughout the development must be lit to the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas and must be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.

**Basement Car Parking**

- A security system must be installed on any pedestrian and vehicle entry/exit points to the car park, including the lift and stairwell, to minimise opportunities for unauthorised access.
- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.
- Car park surfaces including walls and ceilings are to be light coloured with details included with the **Construction Certificate** application.

**Building Security & Access Control**

- Intercom, code or card locks or similar must be installed for all entries to the buildings including access points from within the car park.
- Australian Standard 220 – door and window locks must be installed in all premises.
- CCTV is to be provided to cover communal public space areas. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.

**Graffiti/Vandalism**

- Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls etc.
- Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, and common areas. This includes reporting incidents to police and/or relevant authorities.

**Landscaping**

- All vegetation throughout the site must be regularly pruned to ensure that sight lines are maintained.

25 A Special Unexpected Finds

Should any "unexpected finds" occur during site excavation and earthworks, including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Council notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy No. 55 - Remediation of Land. Should any contamination be found during development works and should remediation be required, development consent is to be sought from Penrith City Council before the remediation works commence.

## **Heritage/Archaeological relics**

26 C003 - Uncovering relics

If any archaeological relics or items of cultural significance are uncovered during the course of the work, no further work shall be undertaken and Penrith City Council, the NSW Heritage Office or the NSW Office of National Parks and Wildlife (as applicable) shall be contacted for advice.

The applicant is advised that depending on the possible significance of the relics or items of cultural significance, archaeological assessments or further consultation with stakeholders may be required. An excavation permit may be required under the *Heritage Act 1977* and other statutory approvals or applications may apply to the discovery of items or places of cultural significance under the *National Parks and Wildlife Act 1974*.

## Environmental Matters

27 D001 - Implement approved sediment& erosion control measures

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be 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.

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan(s) for the development (refer Stage 1 under DA18/0340) and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development**. These measures shall ensure that mud and soil from vehicular movements to and from the site, does not occur during the construction of the development.

28 D005 – No filling without prior approval (may need to add D006)

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

29 D008 - Filling compaction

Where a building is to take place on any land that is to be filled, such filling is to be compacted in accordance with AS3798-1996. Certification is to be submitted to the Principal Certifying Authority by a Geotechnical Engineer verifying that the work has been undertaken prior to the commencement of the construction of any building.

If Penrith City Council is not the Principal Certifying Authority, a copy of the certification is to be submitted to Council for their reference.

30 D009 - Covering of waste storage area

All waste materials stored onsite 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 the areas are to be fully enclosed when the site is unattended.

31 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.

32 D013 - Request Acoustic Report

**Prior to the issue of a Construction Certificate** an Acoustic Report is to be submitted to and approved by Penrith City Council. The Acoustic report is to address the whole of the development (WSCCC and Hotel) and is to include the following:

- (i) detail as to how the applicable construction noise and vibration criteria is achievable. An assessment of construction noise and vibration is to be undertaken.
- (ii) an assessment of the mechanical equipment for the Stage 1 and Stage 2 development as a whole is required, and
- (iii) traffic noise generation, the accumulated impact of both Stages is to be addressed.

A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the Council endorsed 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**.

Advisory notes:

- (i) The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.
- (ii) Council reserves the right to request further amendments to the requested Acoustic report if unsatisfactory.

33 D014 - Noise

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the *Protection of the Environment Operations Act 1997* apply to the development, in terms of regulating noise.

34 D025 - Stormwater disposal - Added Condition

Stormwater runoff from parking and open areas shall be directed to the stormwater drainage system.

35 D026 - Liquid wastes - Added Condition

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.



36 D06A – Approval for bulk earthworks/major filling operations (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."}

37 D Special (Amplified music) - Added Condition

Amplified music and public address systems associated with the development are not to be audible at the boundaries of the property. No amplified music or public address systems are to be used externally, including in the carpark and open break out or dining areas.

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

38 D Special (Noise Mechanical Plant)

All mechanical plant and equipment is to comply with the noise criteria outlined in Western Sydney Community and Conference Centre Phase 01 Acoustic Report for Development Application prepared by Wood & Grieve Engineers (dated 4/06/2019, ref 35986-SYD-N).

**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 Council 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.

39 D Special BLANK

The following waste management requirements must be complied with and details of compliance demonstrated to Council **prior to the issue of a Construction Certificate**:

- An amended 'Plan of Operations' to be submitted in accordance with section 2.2.6 of the 'Industrial, commercial and mixed-use waste management guideline' document
- A ground floor waste collection rooms to be of sufficient size to accommodate the full bin allocation for DA18/0340.01 and DA18/1260 in accordance with section 3.4.1 of the 'Industrial, commercial and mixed-use waste management guideline' document. Bin storage within the chute room is not permitted.
- Supporting documentation outlining waste generation rates for DA18/0340.01 and DA18/1260 is required to be submitted in accordance with section 3.3 of the 'Industrial, commercial and mixed-use waste management guideline' document

## BCA Issues

40 E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)

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.

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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.

41 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.

## Health Matters and OSSM installations

#### 42 F Special BLANK

Detailed plans of the fit out of all food areas are to be forwarded to Council for approval **prior to the issue of a construction certificate.**

The plans must include (but not be limited to) the following:

- Location and details of all hand wash facilities in the both the ground floor and first kitchen and bar areas, including details of hands free tap operation;
- Location and details of all sinks in all kitchen, and bar areas, including food preparation sinks, mop sinks, wash up sinks etc;
- Location and details of any glass washers or dishwashers;
- Location and details of cooking equipment;
- Location and details of all refrigerators, cool rooms and freezers;
- Location of all other fixtures and fittings throughout the kitchens and bar areas (eg hot and cold food storage, preparation benches, staff lockers, storage shelves etc);
- Location of any floor wastes throughout the kitchens and bar areas;
- Location and details of the grease trap, or details of the food proposed to be served if no grease trap is required;
- Details of the surface finish of floors, walls, ceiling, shelves, benches etc;
- Details of all food storage areas including shelves and surface finishes.
  - Details of proposed mechanical ventilation (note – mechanical ventilation is to be installed over dishwashers and glass washers, as well as cooking equipment).

### Utility Services

#### 43 G002 - Syney Water Condition

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

Applications must be made through an authorised Water Servicing Coordinator. For help visit

[www.sydneywater.com.au](http://www.sydneywater.com.au) - plumbing - building and developing - developing - land development, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority **prior to the issue of any Occupation Certificate.**

#### **Advisory note:**

(a) The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can impact on other services and buildings, driveways or landscape designs.

#### 44 G003 - Syd Water Condition - Comply with requirement of Syd Water Correspondence Attachment 1 and 2

**The proponent must comply with the applicable requirements of Sydney Water** as detailed within Sydney Water correspondence dated 29 May 2019 (Sydney Water Reference 178236) including Attachments 1 and 2.

#### 45 G004 - Integral Energy

**Prior to the issue of a Construction Certificate**, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

Penrith City Council's Development Services Unit must be consulted over the final location of the substation prior to the issue of a Construction Certificate for the development.

### Construction

46 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

47 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 the level of the base 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.

48 H041 - Hours of work (other devt)

Construction works or subdivision 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.

## Swimming Pools

49 J098 - Chemical storage

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

50 J151 - Registration & Notification

Public swimming pool and spa pools (as defined in the Public Health Act 2010) are to be registered with Penrith City Council by completing the registration form for public swimming pool and spa pools. This form is to be returned to Council prior to the issuing of the occupation certificate and operation of the premises.

The occupier of any premises at which a public swimming pool or spa pool is situated must notify Council using the NSW Ministry of Health Notification Form available from [www.health.nsw.gov.au](http://www.health.nsw.gov.au) prior to the pool or spa being used. The occupier of the premises must notify Council within 7 days of any change of details.

51 J152 - Construction & operation compliance

The construction and operation of the public swimming pool/s and spa pool/s and associated premises shall comply with the Public Health Act 2010, Public Health Regulation 2012 and any relevant standards, guidelines or codes of practice published or endorsed by the NSW Ministry of Health

52 J153 - Disinfection - water

The occupier of premises at which a public swimming pool or spa pool is situated must not allow a person to use the pool unless the water in the pool is disinfected in such a way as to minimise the transmission of disease to the other users of the pool as required by the Public Health Act 2010 and Public Health Regulation 2012.

53 J154 - Facilities

The occupier of premises at which a public swimming pool or spa pool is situated must ensure that the pool surrounds, including any toilets or change rooms, are kept clean and in such condition as to minimise the transmission of disease.

54 J special BLANK

Chemical treatment of the pool must comply with the Public Health Regulation 2012.

Alkalinity levels, chlorine levels (combined and total chlorine) and the pH of the pool must be tested and recorded each day. All records are to be kept for a minimum of 6 months and maintained on site for inspection by an Authorised Officer if required.

55 J special BLANK

Copies of response management plans must be made readily available for staff. Response plans should be provided for:

1. Fecal incident - Solid stool in pool
2. Fecal incident - Loose stool in pool
3. Hard surface incident (vomit, blood and fecal)
4. Vomit incident in the pool
5. Cryptosporidium notification

56 J special BLANK

For indoor pools, ventilation of the premises must comply with the requirements set out in the Building Code of Australia for efficient removal of chloramines and other air impurities.

57 J special condition - Registration and notification

All chemicals in relating to the swimming pool which are stored on site are to be adequately banded to contain any spills and ensure they do not enter the stormwater system.

## Engineering

58 K209 - Stormwater Concept Plan

The stormwater management system shall be provided generally in accordance with the Stormwater Management Report, MUSIC modelling and concept plan/s lodged for development approval, prepared by (Wood & Grieve Engineers), project number 35986, drawings CI-000-01 to CI-076-01 revision C; CI-520-01 to CI-520-02 revision D; CI-526-01 to CI-568-01 revision A dated 12 June 2019.

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.

**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 Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

59 K209 - Stormwater Discharge – Minor Development

Stormwater drainage from the building shall be discharged to the:

- a) Site drainage system that is connected to the on lot water quality device approved as per DA18/0304.01

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

60 K301 - Sediment & Erosion Control

Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

61 K502 - Works as executed – General and Compliance Documentation

Prior to the issue of an Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

62 K503 - Stormwater Compliance

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):

- 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.

63 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 stormwater management systems (including water sensitive urban design measures) 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 Specification for Building Development – Appendix F

64 K - Waterways - Stormwater Management system operation and maintenance

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

65 K Special (BLANK)

**Prior to the issue of any Construction Certificate** the Principal Certifying Authority shall ensure that the plans include dimensions of driveways, ramps, aisles, parking spaces, columns and obstructions, car park headroom, accessible parking, bicycle parking with end of journey facilities and accessible pedestrian paths of travel complying with AS 2890, AS 1428 and Council Development Control Plan (DCP) C10. These details shall include but not limited to:

- (a) Minimum driveway, ramp, aisle, vehicle turning swept paths and car space width and lengths in accordance with DCP C10, AS2890., AS 2890.2 and AS2890.6
- (b) Minimum headroom (from floor to lowest ceiling obstruction) of 2.2 metres to accessible parking spaces and minimum head room of 2.5 metres above accessible parking spaces.
- (c) Swept turn path clearances at driveways (including accordance with AS 2890.1 Table 2.2 and Figure 2.9) External driveway access turning paths are to be provided and be at least 0.3 metres clear of driveway edges, parking and road centrelines and at least 300mm clear of kerbs and medians. Internal aisle and car park manoeuvring area vehicle turning paths are to be at least 0.3 metres clear of obstructions including to walls, bollards and other obstructions.
- (d) At least a 1 metre long indent at the end of any dead end aisles.
- (e) Car park ramp dimensions (including accordance with AS 2890.1 Table 2.2 and Figure 2.9) including additional 0.3 metre clearances to walls and other obstructions.
- (f) Car park ramp headroom clearances including at grade transitions.
- (g) Car park aisle widths, service vehicle areas, car park column locations and clearances (including accordance with AS 2890.1 Figure 5.1 and 5.2).
- (h) Additional car space clearances from obstructions (including accordance with AS 2890.1 B4.1 minimum additional clearance of 0.3 metres).
- (i) Sight distance requirements in accordance with AS 2890.1 and / or AS 2890.2 Figure 3.2 at access driveways and Figure 3.3 Minimum sight lines for pedestrian safety.
- (j) Accessible pedestrian paths of travel from all car parking spaces to the lifts and stairs.
- (k) Separate accessible pedestrian paths of travel from the fronting roadway footpaths to access the car park area.
- (l) Complying numbers of secure bicycle parking, end of journey facilities, change rooms, showers, and lockers are provided at convenient locations in accordance with DCP C10, AS 2890.3 Bicycle Parking Facilities and Planning Guidelines of Walking and Cycling (NSW Government 2004).
- (m) Signage and an electronic car space occupancy system, that visible from the public road, internal access road and on-site to reinforce designated vehicle circulation and to direct staff / service vehicle drivers / visitors to on-site parking and service areas.

66 K Special (BLANK)

The required sight lines around the driveway entrances are not to be obstructed by landscaping, fencing or signage.

67 K Special (BLANK)

All car spaces and access areas are to be sealed / line marked and dedicated for the parking of vehicles only and not to be used for storage of materials / products / waste materials etc.

68 K Special (BLANK)

All vehicles are to enter and leave in a forward direction.

69 K Special (BLANK)

Subleasing of car parking spaces is not permitted by this Consent.



## Landscaping

### 70 L001 - General

All landscape works are to be constructed in accordance with the stamped approved Landscape plans prepared by Oculus and Appendix F5, Clause 2.9 of Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plans, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

### 71 L002 - Landscape construction

The approved landscaping for the site must be constructed by a suitably qualified and experienced landscape architect. Landscaping is to be installed and maintained in accordance with the stamped approved plans.

### 72 L003 - Report requirement

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 suitably qualified and experienced landscape architect.

#### (a) 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.

**Any 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.

#### (b) Plant Establishment and Maintenance Report

**Six months after the issue of the Occupation Certificate**, a Plant Establishment and Maintenance Report is to be submitted to Penrith City Council in consultation with the Landscape Architect Supervisor - Design and Projects at Penrith City Council, certifying that the landscape works are in accordance with the development consent and stamped approved plans and that the landscaping is alive and thriving. The report is to be prepared by a suitably qualified and experienced horticulturalist and shall evaluate the success and failure of planter landscaping across the site.

#### (c) Landscaping Review

A review of the landscaping is to be provided to the Manager of Development Services at Penrith City Council, **24 months after the issue of the Occupation Certificate for the Stage 2 Hotel Building**. The review is to be prepared by a suitably qualified and experienced landscaping consultant and is to detail the health and status of all planting and is to provide recommendations if required, with regard to the continued success and vitality of the planting and landscaping.

### 73 L005 - Planting of plant

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

### 74 L006 - Aust Standard

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

### 75 L007 - Tree protection measures—no TMP with DA

All street trees are required to be retained and protected throughout construction, in accordance with the minimum tree protection standards prescribed in Part F, Appendix F5 of Penrith Development Control Plan 2014.

76 L012 - Existing landscaping (for existing development)

**The Principal Certifying Authority** is to ensure all street trees adjacent the development have been retained and are in good health prior to the issue of the Occupation Certificate. Where street trees have been damaged or destroyed by construction or site works, the street trees are to be replaced like-for like in consultation with Council, at no cost to Council.

No approval is granted for the removal of existing street trees located along the Mulgoa Road verge. These trees shall be retained and protected throughout development, until such time as Mulgoa Road road widening works are undertaken.

## **Certification**

77 Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)

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

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