

# CONDITIONS SUMMARY

<b>Application Number:</b>	DA18/0340.01 PPSSWC-1
<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>	Modification of an Approved Stage 1 and Concept Proposal - Alterations and Additions to Stage 1 Community & Conference Centre including Basement Parking and Landscaping Areas, and Amendments to the Height of Buildings under the Approved Concept Plan

## General

1 A001

The development must be implemented substantially in accordance with the following architectural plans:

Drawing Number	Plan Description	Revision
S1-DA-001-001	Title Sheet	E
S1-DA-100-001	Location Plan	D
S1-DA-100-002	Site Analysis Plan	D
S1-DA-110-001	Site Plan	E
S1-DA-110-006	Basement 02	E
S1-DA-110-007	Basement 01	E
S1-DA-110-008	Ground Level	E
S1-DA-110-010	Level 01	D
S1-DA-110-020	Roof Plan	D
S1-DA-120-010	Level 1- Detailed Plan	D
S1-DA-200-010	Site Elevations	D
S1-DA-200-020	Mulgoa Road - South East Elevation	E
S1-DA-200-030	Panthers Link - North West Elevation	D
S1-DA-200-040	Panther Place - South West Elevation	D
S1-DA-200-050	Ransley Street - North East Elevation	E
S1-DA-300-010	Longitudinal Section H	D
S1-DA-300-020	Section A	D
SA-DA-300-025	Section J	D
S1-DA-300-030	Section B	D
S1-DA-300-040	Section C Panther Link Threshold	D
S1-DA-300-060	Loading Dock Entry Section D	D
S1-DA-300-070	Carpark Entry East Section E	D
S1-DA-300-080	Carpark West Section J	D
S1-DA-300-090	Ransley Street Street Frontages Section G	D
S1-DA-720-007	GFA Diagrams-Basement + Ground Floor	D
S1-DA-750-001	Open Space Amenities + Deep Soil	E
S1-DA-760-010	Shadow Diagrams	D
S1-DA-830-001	Material & Finishes	D
S1-DA-840-001	Photomontage	C
S1-DA-840-002	Photomontage	C
S1-DA-840-003	Photomontage	C

### Concept Architectural Plans

Drawing Number	Plan Description	Date	Revision
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A-001-001	Title Sheet	10.06.19	L
DA-100-0	Location Plan	05.06.19	K
DA-100-002	Site Analysis Plan	10.06.19	L
DA-110-007	Basement 02	05.06.19	K
DA-110-008	Basement 01	05.06.19	K
DA-110-009	Concept Proposal Ground level	05.06.19	K
DA-110-010	Concept Proposal Level 01	05.06.19	K
DA-110-020	Concept Proposal Level 02	10.06.19	L
DA-110-030	Concept Proposal Level 03 to Level 05	10.06.19	L
DA-110-070	Concept Proposal Roof Plan	10.06.19	L
DA-200-001	Concept Proposal Site Elevations 01	10.06.19	L
DA-200-002	Concept Proposal Site Elevations 02	05.06.19	K
DA-300-001	Concept Proposal Longitudinal Section	10.06.19	L
DA-720-001	GFA Diagrams	10.06.19	L
DA-740-001	FSR Diagrams	05.06.19	K
DA-760-001	Shadow Diagrams	10.06.19	L
DA-760-002	Shadow Diagrams	10.06.19	L
DA-800-001	Staging Diagrams	10.06.19	L
DA-800-001	Building Height Diagram	05.06.19	K

Landscape Plans		
Drawing Number	Plan Description	Revision
OC-L-1000	Cover Page	D
OC-L-1001	Site Design Context Analysis	D
OC-L-1002	Site Design Site Analysis	D
OC-L-1003	Site Design Principles	D
OC-L-1100	Masterplan Concept	D
OC-L-1101	Masterplan Tree Integration	D
OC-L-1102	Masterplan Landscape Feature Strategy	D
OC-L-1103	Landscape Masterplan Concept Circulation	D
OC-L-1201	Landscape Masterplan Stage 1 Proposal	D
OC-L-1202	Landscape Plan Stage 1 Detailed Civic Central	D
OC-L-1300	Section Concept Proposal Civic Central	D
OC-L-1301	Section Stage 1 Civic Central	D
OC-L-1400	Indicative Materiality	D
OC-L-1401	Indicative Planting Schedule	D

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.

***As amended by DA18/0340.01 under Section 4.55 of the Environmental Planning and Assessment Act 1979 on 24 July 2019***

## 2 A001 - Design Amendments

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

- (a) The development must provide a minimum 30sqm separated parents room with change and wc facilities. The facilities shall be designed with reference to the minimum requirements of the DCP including provision of change facilities for more than one child, private breast feeding areas, seating, waste storage facilities and nappy disposal unit, power outlets, bench space and sink with hot and cold water, a combined and safe play area for toddlers visible from the breast feeding area, and a microwave. Plans are to include a parent friendly accessible cubicle which includes a child toilet and low height hand washing basin with automatic cut off taps and soap dispenser.
- (b) 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.
- (c) The ground floor waste management and storage areas are to be amended to provide a minimum area of 40sqm for the storage of 1100L bins servicing the development (and future stages).
- (d) Deleted
- (e) Deleted
- (f) Deleted
- (g) Deleted

### Advisory note:

*(i) The ground floor bin wash areas is to be provided with a hose and hot and cold water outlet and the floor is to be graded to a floor waste and connected to the sewer. Surfaces are to be finished to allow easy cleaning.*

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.

### ***As amended by DA18/0340.01 on 24 July 2019 under Section 4.55 of the Environmental Planning and Assessment Act 1979***

## 3 A001a - VPA

The amended Voluntary Planning Agreement, in accordance with the letter of offer from Penrith Rugby League Club Ltd dated 15 August 2018, known as 'Planning Agreement - Road Works', is to be executed **prior to the issue of the Construction Certificate** issued in relation to the construction of the Western Sydney Community and Conference Centre (excluding Stage 1 earthworks, early works, basement excavation and basement construction up to but not including proposed finished ground floor level, as noted on the Council endorsed construction staging plan), and 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.**

### **As amended under DA18/0340.01 on 24 July 2019 under Section 4.55 of the Environmental Planning and Assessment Act 1979.**



4 A001B - Public Art

A Public Art Strategy is to be submitted to the Manager Development Services at Penrith City Council. Confirmation from Penrith City Council, confirming that the Public Art Strategy has been reviewed and is endorsed, is to be provided to the Principal Certifying Authority, **prior to the issue of the Construction Certificate.**

The Strategy is to be prepared in accordance with the requirements of the Penrith Development Control Plan 2014 and in particular, is to comply with the controls of Part B, Section E13 of the DCP. The Strategy be prepared by a specialist art consultant for the whole Precinct and is to specifically focus on public art to be delivered as part of Stage 1, being the construction of the Western Sydney Community and Conference Centre (WSCCC).

The Strategy is to address:

- Context of precinct within Penrith and the Penrith Community
- Community/public artist engagement
- Location of installations/artwork
- Themes and narrative
- Procurement strategies
- Maintenance strategies and,
- Decommissioning strategies.

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.

**As amended under DA18/0340.01 on 24 July 2019 under Section 4.55 of the Environmental Planning and Assessment Act 1979.**

6 A002 - Parent room signage

The Principal Certifying Authority is to ensure that adequate signage has been installed to direct parents and carers to the accessible amenities and to the location of the separated parents and baby change room, prior to the issue of any Occupation Certificate.

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 1 of the development only. A separate development application shall be submitted to Penrith City Council for any future stages of the development.

9 A007 - Fencing

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



10 A011 - Special (Electronic Vehicle Charging Stations)

A minimum of four Electronic Vehicle Charging Stations (EVCS) are to be provided within the basement carpark constructed as part of Stage 1 and the Western Sydney Community and Conference Centre. The charging stations are to be designed to accommodate the requirements of commercially available residential vehicles and their required connector types (currently known as Type 1 and Type 2 connectors). A minimum of four additional car parking spaces are to be designed so as to be readily retrofitted as EVCS parking spaces. The installed EVCS car parking spaces are to be sign posted and marked as for the use of electronic vehicles only and are to be located in close proximity to the lift cores.

EVCS use is to be provided free of charge to customers/visitors of the Panthers Rugby League Club.

Plans indicating compliance with the above, are to be submitted to the Principal Certifying Authority (PCA) **prior to the issue of a Construction Certificate** for Stage 1, being the Western Sydney Community and Conference Centre and associated basement carpark.

**Prior to the issue of any Occupation Certificate** for Stage 1, being the Western Sydney Community and Conference Centre and associated basement carpark, the PCA is to ensure compliance with this condition is achieved, and details and specifications of the system(s) installed and the location of EVCS car parking spaces are to be provided to Council.

11 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. 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

- All signage requiring consent from Council, shall be subject to a separate development application.

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 % Max. Capacity

Approved **base** hours of operation of the Western Sydney Community Conference Centre (WSCCC) are as follows:

7.00am – 11.00pm Monday to Saturday and;  
8.00am to 10.00pm Sundays.

*In addition to the above, approval is granted for extended hours of operation, for a period of 12 months from the date of the issue of the Occupation Certificate for the WSCCC as follows:*

**6.00am to 7.00am, and 11.00pm to 12 Midnight - Monday to Saturday and;  
6.00am to 8.00am and 10.00pm to 12 Midnight - Sundays.**

**A modification application is to be lodged with Council, a minimum of 3 months prior to the completion of the 12 months, for the extension of, or incorporation (into the base hours) of the extended operating hours.**

Delivery vehicles generated by the development 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 collection is being undertaken.

**The maximum capacity of the WSCCC is 1000 persons. In accordance with the requirements of the Environmental Planning and Assessment Regulation 2000, a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.**

**Amended under DA18/0340.01 on 24 July 2019 as per Section 4.55 of the Environmental Planning and Assessment Act 1979.**

14 A032 - Goods in buildings

All materials and goods associated with the use shall be contained within the building at all times.

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 Detailed plans of kitchen required prior to CC

A detailed plan of the kitchen showing the details below must be submitted to and approved by Council, **prior to the issue of the Construction Certificate**:

- Details of the finish of the walls and ceiling (note acoustic panels not permitted in food preparation areas);
- Details and location of coving to all floor wall joins;
- Details and location of shelving to the storage area for food and packaging;
- Construction material of shelving indicating lowest shelf at least 150mm above ground level;
- Details of materials used on benches in kitchen
- Reference to the construction of the premises being in accordance with the Australian New Zealand Food Standards Code, Food Safety Standard 3.2.3 "Food Premises and Equipment" and the AS 4674 – 2004 "Design, Construction and Fit Out of Food Premises";
- Hand wash facilities fitted with a hands free operation warm water through a common spout
- Location of separate sink for (a) washing of vegetables and fruit (b) hand washing (c) washing (required) and sanitizing sinks (if no dishwasher)
- Location of any floor wastes (if being installed) and cleaners sink (may be in laundry);
- Details and location of all equipment in the kitchen including, but not limited to ovens, fridges, freezers, dishwasher etc.;
- Location of personal staff storage area
- Any fluorescent light fittings being fitted with a smooth faced diffuser and identified on the plan;
- Location and information of mechanical ventilation for oven/stove in accordance with Section 2.5.2 of AS 4674 – 2004 "Design, Construction and Fit Out of Food Premises";

No fit out works shall commence on the site will be granted until after the above plan has been supplied to Council and Council has advised the Certifying Authority in writing that it is satisfactory.

19 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.

20 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.



21 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.

22 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 a general high quality and are to be recessive in colour and material. A photomontage or similar is to be provided indicating materials and colours, images and artwork. no advertising is permitted to be installed or included on the hoarding/site fencing.

23 A Special - Screening of plant

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.

24 A Special - Shutters

No external roller shutters, bars or similar structures are permitted to be installed on the ground floor glazing of the commercial/retail tenancies.

25 A Special (car park surface treatment)

The surface treatment of all car parking areas is to be a brushed or matt surface to reduce the impact of noise from the turning movements of vehicles.

26 A Special CPS

**Deleted.**

***Deleted under DA18/0340.01 as per Section 4.55 of the Environmental Planning and Assessment Act 1979 on 24 July 2019.***

## 27 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 any internal access points requiring restricted access.***
- 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 must be regularly pruned to ensure that sight lines are maintained.

**As amended under DA18/0340.01 on 24 July 2019 under Section 4.55 of the Environmental Planning and Assessment Act 1979.**

## 28 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

### 29 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

30 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.

31 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.

32 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.



33 D010a – 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."}

## BCA Issues

34 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.

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.

35 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

36 F001 - General Fitout

The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS 4674-2004 *Design, Construction and Fitout of Food Premises*.

37 F012 - Food Act

The proprietor of the food business shall ensure that the requirements of the NSW Food Act 2003, NSW Food Regulation 2010 and the Australian and New Zealand Food Standards Code are met at all times.

38 F019 - Occupation Certificate

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.

39 F021 - Business Registration

The business is to be registered with Penrith City Council by completing the "Registration of Premises" form. This form is to be returned to Council **prior to the issue of an Occupation Certificate** and operation of the business.

40 F022 - Commercial kitchen(exhaust system)

Cooking appliances which exceed a total maximum power input of 8kw for electrical, or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard 1668, Parts 1 & 2.

Detailed plans together with calculations for the system must be provided as part of the development application or as part of the Construction Certificate application.

The exhaust hood must completely cover the equipment to be ventilated and extend at least 200mm beyond the perimeter of the equipment. The exhaust hood must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. Where abutting walls are located the hood must be constructed so as to finish flat against the wall surface.

The low edge of a canopy type exhaust hood must be at least 2000mm above floor level.

**Prior to the issue of an Occupation Certificate**, and operation of the business, the exhaust system shall be certified by an appropriately qualified person to comply with the Building Code of Australia and Australian Standard AS 1668, Parts 1 & 2. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority

41 F025 - Food safety supervisor

A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by the business prior to commencement of the business.

42 F026 - Kitchen bar & food prep area-certification

Details of the kitchen, bar and food preparation and storage areas must be prepared by a suitably qualified person and certified in accordance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code and AS 4674-2004 *Design, Construction and Fitout of Food Premises* to the satisfaction of the Certifying Authority prior to a Construction Certificate being issued.

43 F027 - Hand basins

Hand basins to the bar and kitchen must be serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are installed the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

44 F028 - Staff toilets

Staff toilets must be provided on the premises. Where a toilet adjoins a food preparation area it must be separated by an air lock and its doors must be fitted with self closing devices. Toilets intended for customer use must not be accessed through areas where open food is handled, displayed or stored.

45 F029 - Hand basin within staff toilets

**A minimum of one hand basin must be located adjacent to the staff toilets.** Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are used the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

***As amended under DA18/0340.01 in accordance with S4.55 of the Environmental Planning and Assessment Act 1979 on 24 July 2019.***

46 F030 - Hot water service

Hot water services must be positioned at least 75mm clear of the adjacent wall surfaces, and mounted at a minimum 150mm above the floor level on a non-corrosive metal stand. The hot water system must be sized to meet the demands of the food business during peak operating and cleaning periods and be able to provide sufficient hot water throughout the working day. Discharge from the hot water system must enter the sewer through a tongue dish in accordance with Sydney Water's requirements.

47 F031 - Floor & floor waste

The floor of the food premises must be finished in an approved non absorbent material, evenly laid, or graded and drained to a trapped floor waste. All floor wastes in the food preparation, service and scullery area must be fitted with a sump removable basket and grate, a minimum 200mm in diameter, and finished in all stainless steel.

48 F032 - Floor covering

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

49 F033 - Walls – food prep area

The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other approved material to a height of 2 metres. The intersection of tiles and render must have a flush finish, or be splayed at a 45 degree angle to eliminate a ledge that would allow dust and grease to accumulate.

50 F034 - Walls – behind cooking appliances

The walls at the rear of cooking appliances must be surfaced with an impervious material, such as stainless steel, which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material must be lapped over the top edge of the appliance to provide a grease and vermin proof seal. Cooking appliances must only be sealed to walls made of a non-combustible material.

51 F035 - Ceilings

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

52 F036 - Service pipes

Service pipes, electrical conduits, refrigeration condensate pipes shall be enclosed or chased into walls, floors or plinths. Where it can be demonstrated that this is not feasible pipes and conduits fixed on brackets, providing a minimum of 25 mm clearance from the adjacent wall and 100 mm from the floor or adjacent horizontal surface, can be used. All openings in walls, floors and ceilings, through which service pipes and conduits pass, must be vermin proof.

53 F037 - Temperature control

Appliances used to store potentially hazardous food must have a capacity to keep foods hotter than 60°C, refrigerated foods less than 5°C, and frozen foods less than 18°C and be provided with a digital thermometer, accurate to 1°C that can be easily observed from outside the appliance.



54 F040 - Meter box

The meter box must be provided with an approved non-absorbent, smooth faced cover. The cover is to be splayed at an angle of 45 degrees to the wall at the top and made tight fitting to the wall surfaces.

55 F042 - Dishwasher

Details of the dishwashing/glass washing machines must be submitted to Council and approved prior to installation. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitising rinse cycle must achieve a water temperature of 80°C for 2 minutes or 75°C for 10 minutes.

56 F043 - Hot & cold water at sinks

All wash sinks and food preparation sinks must be serviced with hot and cold water through a single outlet. Wash sinks must be supplied with water at a temperature of not less than 54 °C for washing.

57 F044 - Sink & splashback construction

The double bowl sink must be constructed of stainless steel, have a minimum bowl size of 450mm x 300mm x 300mm to enable cleaning of large pots and equipment, be fitted with a draining area at each end, and have a splashback as part of the unit at least 300mm up the wall.

58 F045 - Food Prep Sink - clearance area

The food preparation sink must be separated from all other sinks by a minimum distance of 2 metres or have an approved form of physical barrier that separates the sink.

59 F046 - Cleaners sink

The cleaner's sink must be serviced with hot and cold water through taps fitted with hose connectors. Cleaner's sinks must be located outside of areas where open food is handled.

60 F047 - Fixtures & fittings

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

(a) Plinths – plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.

(b) Wheels or castors – fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.

(c) Legs – fittings and fixtures can be supported on legs but must be constructed of a non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 200 mm.

Note:

1. False bottoms under fittings are not permitted (AS 4674-2004 – Section 4.2 and 4.3).

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

61 F048 - Food prep benches

All food preparation benches must be constructed in stainless steel or finished in a smooth and non-absorbent approved material that is free of joints.

62 F049 - Storage cabinets

All storage cabinets (internal and external surfaces) must be finished in a smooth and non-absorbent approved material that is free of joints.

63 F050 - Light bulbs & tubes

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

64 F051 - Shelving

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

65 F052 - Coolrooms

The coolroom and/or freezer room floor must be finished with a smooth even surface and graded to the door. A sanitary floor waste must be located outside the coolroom and freezer adjacent to the door. All metal work in the coolroom and freezer room must be treated to resist corrosion.

- 66 F053 - Coolrooms – condensation  
Condensation from coolrooms and refrigeration motors must discharge to sewer via a tundish with air gap separation in accordance with Sydney Water requirements.
- 67 F054 - Coolrooms – doors & alarms  
The coolroom and freezer room must be provided with:
- A door which can at all times be opened from inside without a key and
  - An approved alarm device located outside the room, but controlled only from the inside.
- 68 F055 - Lockers  
Sufficient lockers must be provided in the food preparation area or store room specifically for the storage of cleaning materials, employees' clothing and personal belongings.
- 69 F056 - Storerooms  
The storeroom must be constructed in accordance with AS 4674-2004 by providing the following:
- A smooth, even, non-slip floor surface.
  - Coving at all intersections of the floor and walls with approved, recessed coving to a minimum concave radius of 25mm, so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface. "Feather edge skirting" and non-rebated coving are not permitted.
  - Walls must be provided with a smooth even surface and painted with a light coloured washable paint to enable easy cleaning.
  - The ceiling must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersections of the walls and ceiling must be tight-jointed, sealed and dustproof. Drop in panel style ceilings are not permitted.
  - Shelving or storage racks must be designed and constructed to enable easy cleaning.
- 70 F057 - Waste storage  
All garbage must be stored in accordance with the requirements of the Food Safety Standards of the Australian and New Zealand Food Standards Code and the *Protection of the Environment Operations Act 1997* to prevent the harbourage of vermin or generation of odours.
- 71 F058 - Waste storage – surfaces  
Smooth and impervious surfaces (walls and floors) must be provided to all waste storage areas and rooms. Floor areas must be graded and drained to a floor waste gully connected to the sewer. Open waste storage areas must be appropriately covered and bunded to avoid stormwater entering the sewer. Waste storage rooms must be adequately ventilated and proofed against pests. The area or room must be provided with water service hose connectors to enable easy cleaning.
- 72 F059 - Waste storage – cleaning  
Rubbish bins must be cleaned regularly to remove the food scraps stuck on the bin surface and to minimise the emission of odour that attracts insects and vermin. Bins may be cleaned either by the rubbish collecting contractors or inside a rubbish room constructed to the above specifications.  
Bins, hoppers and other containers used for storing garbage or recyclable material shall be:
- a) constructed of impervious material such as metal or plastic; and
  - b) have tight fitting lids
  - c) bins that cannot be lifted for draining after cleaning shall have drainage bungs at the base.
- 73 F060 - Grease Arrestor  
The grease arrestor must not be installed in any kitchen, food preparation or food storage area. The grease arrestor shall be installed in accordance with Sydney Water's requirements.

## Utility Services

74 G002 - Sydney 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.

75 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 Attachment 1 and 2 of Sydney Water correspondence dated 19 June 2018 (Sydney Water Reference 172330).

76 G004 - Integral Energy

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

In the event that a pad mounted substation is necessary to service the development, Penrith City Council's Development Services Unit must be consulted over the proposed location of the substation prior to the issue of a Construction Certificate for the development, as the location of the substation may impact on other services and building, driveway or landscape design as approved by Council.

## Construction

77 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.



## 78 H002 - All forms of construction

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by Council, or
- alternatively, any other sewage management facility approved by Council.

(b) 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.

## 79 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 that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above. The provisions of the Protection of the Environment Operations Act 1997 in regulating offensive noise also apply to all construction works.

## Engineering

### 80 K101 - Works at no cost to Council

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

81 K101a - Infrastructure Bond

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council **prior to commencement of any works on site or prior to the issue of any Construction Certificate**, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

82 K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS

**Prior to the issue of any Construction Certificate**, a Section 138 Roads Act application, including payment of application and inspection fees, shall be lodged with and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- (a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- (b) Concrete footpaths and/or cycleways
- (c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- (d) Road occupancy or road closures
- (e) The placement of hoardings, structures, containers, waster skips, signs, etc in the road reserve
- (f) Temporary construction access

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, guidelines and best engineering practice.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

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. Separate approvals may also be required from the Roads and Maritime Services for classified roads.
3. All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate.
4. On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

83 K202a - Stormwater Concept Plan

The stormwater management system shall be provided generally in accordance with the Stormwater Management Report, MUSIC modeling and associated concept plan/s lodged for development approval, prepared by Wood & Grieve Engineers reference 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.**

***As amended under DA18/0340.01 in accordance with S4.55 of the Environmental Planning and Assessment Act 1979 on 24 July 2019.***

84 K202b - Stormwater Discharge – Basement Car parks

**Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS 3500.3 (or as amended) (Plumbing and Drainage – Stormwater Drainage).

85 K202c - Access, Car Parking and Manoeuvring – General

**Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring and, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.

86 K202d - Construction Traffic Management Plan

Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Council for approval. The CTMP shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS), and in accordance with Council's Engineering Construction Specification for Civil Works. Approval of the CTMP may require approval of the Local Traffic Committee.

87 K202e - Basement Geotechnical Testing/ Dilapidation Report

**Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that a geotechnical investigation, report and strategy has been conducted to ensure stability of the Council infrastructure and surrounding developments.

The geotechnical investigation, report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by the Road and Maritime Services as amended. The applicant shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms no damage has occurred due to the excavations associated with the development. If Council is not the Certifying Authority the dilapidation report shall be submitted to Council prior to Construction Certificate and then updated and submitted prior to any Occupation Certificate confirming that no damage has occurred.

88 K202f - 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.

89 K202g - Traffic Control Plan

Prior to commencement of any works associated with the development, 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 Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services 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) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- (b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council **prior to the issue of a Construction Certificate**.

90 K202h - Underground Services

All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities regulations and standards.

91 K202i - Penrith City Council clearance – Roads Act/ Local Government Act

**Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall ensure that all works associated with a Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.

92 K202j - 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.

93 K202k - 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

94 K202l - 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 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.

95 K511 - Directional signage

Prior to the issue of any Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of staff and visitor parking to the satisfaction of the Principal Certifying Authority.

96 K601 - Stormwater Management system operation and maintenance

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

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

97 K Special Condition BLANK

**Prior to the issue of an Occupation Certificate**, a comprehensive flood evacuation and emergency response plan (for all storms up to and including the PMF) shall be prepared in consultation with State Emergency Service for the overall development by a suitably qualified engineering/hydraulic consultant.



## Landscaping

### 98 L001 - General

All landscape works are to be constructed in accordance with the stamped approved Landscape plans prepared by Oculus, Revision B 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.

### 99 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.

#### **Advisory Note:**

Please refer to conditions of consent that require amendments to the extent of deep soil areas and the associated stamped approved plans, marked in red.

### 100 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 WSCCC**. 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.

### 101 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.

### 102 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.

### 103 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.

104 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

105 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.

## Unallocated

106 Z013 - Approved noise level 1 - Added Condition

Noise levels from the premises shall not exceed the relevant noise criteria detailed 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).

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.<sup>3</sup>

**Added under DA18/0340.01 as per Section 4.55 of the Environmental Planning and Assessment Act 1979 on 24 July 2019.**

107 Z025 - Stormwater disposal - Added Condition

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

**Added under DA18/0340.01 as per Section 4.55 of the Environmental Planning and Assessment Act 1979 on 24 July 2019.**

108 Z026 - 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.

**Added under DA18/0340.01 as per Section 4.55 of the Environmental Planning and Assessment Act 1979 on 24 July 2019.**

**109 ZD Special (Amplified music) - Added Condition**

Amplified music and public address systems associated with the development are not to be audible at the boundaries of nearby residential properties. No amplified music or public address systems are to be used externally, including in the carpark. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

***Added under DA18/0340.01 on 24 Jul y 2019 as per Section 4.55 of the Environmental Planning and Assessment Act 1979.***

**110 ZD 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.

**Added under DA18/0340.01 as per Section 4.55 of the Environmental Planning and Assessment Act 1979 on 24 July 2019.**



**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.

**Added under DA18/0340.01 as per Section 4.55 of the Environmental Planning and Assessment Act 1979 on 24 July 2019.**

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

**Added under DA18/0340.01 as per Section 4.55 of the Environmental Planning and Assessment Act 1979 on 24 July 2019.**



**113 ZI 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.

**Added under DA18/0340.01 as per Section 4.55 of the Environmental Planning and Assessment Act 1979 on 24 July 2019.**

**114 ZK Special (BLANK)**

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

**Added under DA18/0340.01 as per Section 4.55 of the Environmental Planning and Assessment Act 1979 on 24 July 2019.**

**115 ZK Special (BLANK)**

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

**Added under DA18/0340.01 as per Section 4.55 of the Environmental Planning and Assessment Act 1979 on 24 July 2019.**

**116 ZK203 - Performance Bond**

**Prior to the issue of a Roads Act Approval**, a Performance Bond is to be lodged with Penrith City Council for the proposed drainage works in Ransley Street, Penrith.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 for further information relating to bond requirements.

**Added under DA18/0340.01 as per Section 4.55 of the Environmental Planning and Assessment Act 1979 on 24 July 2019.**

**117 Z Special BLANK**

The following waste management requirements are to be provided for Council's review and endorsement, prior to the issue of a Construction Certificate:

- (a) An amended 'Plan of Operations' to be submitted.
- (b) The ground floor waste collection room to be of sufficient size to accommodate the full bin allocation for DA18/0340.01 and DA18/1260.
- (c) Supporting documentation outlining waste generation rates for DA18/0340.01 and DA18/1260 is required to be submitted by an appropriately experienced and qualified Waste Management Consultant.
- (d) Swept path models to be submitted for medium and heavy rigid waste collection vehicles.

**As amended under DA18/0340.01 on 24 July 2019 under Section 4.55 of the Environmental Planning and Assessment Act 1979.**

## **Unallocated**

**118 zK - 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.

**Added under DA18/0340.01 as per Section 4.55 of the Environmental Planning and Assessment Act 1979 on 24 July 2019.**

**119 zK203 - S138 Roads Act – Works and structures - Roadworks requiring approval of civil drawings. CIVIL CONSTRUCTION IN THE ROAD RESERVE**

**Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of the proposed drainage works and driveway works in Ransley Street, Penrith.

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, Austroads Guidelines, and best engineering practice.

Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- (a) 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.
- (b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- (c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

**Added under DA18/0340.01 as per Section 4.55 of the Environmental Planning and Assessment Act 1979 on 24 July 2019.**

**120 zK405 - Turf to Verge**

Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

**Added under DA18/0340.01 as per Section 4.55 of the Environmental Planning and Assessment Act 1979 on 24 July 2019.**