

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA15/0951
Proposed development:	Upgrade of Riley Street Dining Precinct including Installation of Building Awnings, Landscaping & Associated Civil Works
Property address:	569 - 595 High Street, PENRITH NSW 2750
Property description:	Lot 1 DP 1137699
Date received:	20 August 2015
Assessing officer	Kate Smith
Zoning:	Zone B3 Commercial Core - LEP 2010
Class of building:	Class 10a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the upgrade of Riley Street Dining Precinct of Westfield Penrith including installation of building awnings, landscaping and associated civil works at Lot 1 DP 1137699 No. 569-595 High Street PENRITH NSW 2750. According to Penrith Local Environmental Plan 2010, (LEP 2010) the site is zoned B3 Commercial Core and the proposed works to an existing shopping centre is permissible in B3 Commercial core zone subject to consent.

Key issues identified for the proposed development and site include:

- dimensions of cleared walkway north of the cinema entry
- Retention of bus bays.
- compliance with the minimum width of accessible parking space.
- provision of traffic calming.
- retention of taxi rank and half hour parking space.
- justifications for the proposed relocation of half-hour parking spaces into the basement car parking levels.
- demarcation for emergency/police vehicles.
- RMS requirement regarding shared zone, integration and self-enforcing.
- timeframe for transport interchange upgrade.
- safety issues for passengers getting out of vehicles on the eastern side of Riley Street.
- conduct a safety assessment.

A meeting was then held on 2 October 2015 to discuss the above issues with the applicant. The applicant subsequently amended and re-submitted the proposal to Council. The amendments included but not limited to the following:

- Relocation of the existing shared emergency vehicle/Australia Post and accessible pick-up/drop-off zone to allow widening of the footpath area on the western side of Riley Street (south of the signalised crossing).
- Modifications to on-street car parking arrangements on the western side of Riley Street (north of the signalised crossing) to accommodate the relocated shared emergency vehicle/Australia Post and accessible pick-up/drop-off zone and existing bus bay.
- Retention of the existing bus bay and taxi rank on the western and eastern side of Riley Street respectively.
- Provision of a 5m wide one-way traffic lane at the signalised crossing.
- Separating the shared emergency vehicle/Australia Post and accessible pick-up/drop-off zone and the existing bus bay by painting a kerb blister including appropriate line-marking and sign-posting.
- Replacement of the existing half-hour parking bays on the eastern side of Riley Street by 5-minute parking bays and relocate the half-hour parking bays to the basement carpark of the shopping centre.

It is considered that the proposal is unlikely to have any detrimental impact on the owners and occupiers of adjoining land with respect to the enjoyment of land therefore the Application was not notified nor exhibited.

An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken. The amended proposal is considered satisfactory and consistent with the aims and objectives of LEP 2010 and Penrith Development Control Plan 2014 (DCP 2014). It is considered that the Application is worthy of support and can be determined under delegated authority. The Development Application is therefore recommended for approval subject to conditions.

Site & Surrounds

The development site is situated on the western side of Riley Street bounded by Jane Street to the north and Henry Street to the south. Penrith Railway Station is approximately 200m to the northeast. Developments in the area are predominantly retail and commercial uses. The site has a total site area of approximately 8.9 hectares and the site has been occupied and used as a regional shopping centre since 1966.

History

Council has approved various Development Applications for the development and redevelopment of the shopping centre, shop fitout for tenancies, advertising signs and construction of a carpark.

The applicant attended a pre-lodgement meeting on 12 May 2015 and the following pre-lodgement advice was provided:

- The concept of inclusion of cafes and restaurants with outdoor seating to enliven the town centre was encapsulated in Development Consent No. 03/2703.
- Site constraints such as the presence of large trenches to tree planting, Riley Street is used for vehicular and pedestrian traffic, additional floor space created by the proposed cabanas, externalisation, passive surveillance, safety and pedestrian linkages and overdevelopment of the site.
- Council's Local Traffic Committee and Traffic Section would not support the proposal due to potential conflict between the post office/emergency vehicle/accessible parking spaces and the 5-minute parking bays, physical separation of emergency vehicle/Australia Post vehicle parking from other parking spaces to minimise unauthorised parking/loading/unloading, implementation of 5-minute parking in bus zone which will be reinstated if the bus company requires, the likely impact of the cabana on sight distances between drivers and pedestrians on approach to the signalised crossing.
Reduction of Riley Street to 4m width is contrary to the condition of consent (DA03/2703 No 81) which required a wide single lane to accommodate through traffic and a stalled vehicle between Henry and Jane Streets; and has the potential to restrict for emergency vehicle access
- Minimum separation between building and cabana is 3.5m.
- No interruption to the accessible path of travel.
- Outdoor smoking policy prohibits smoking in outdoor dining area.
- Maintain connectivity with High Street especially in the southeast corner to prevent internalisation of the shopping centre.
- No adverse impact on sightline.
- Increase in outdoor dining area must commensurate with availability of amenity facilities within each restaurant.
- Presentation to Council's Access Committee and the requirement for an Access Report.
- Consultation with relevant authorities including but not limited to Australia Post, WestBus and emergency services with respect to the relocation of the post boxes and parking spaces.

Proposal

The proposed development involves:

- Increase outdoor seating for the restaurant tenancies on the western side of Riley Street from 240 seats to 280 seats.
- Relocation of the existing emergency vehicle/Australia Post and accessible pick-up/drop-off zone to allow widening of the footpath on the western side of Riley Street just south of the signalised crossing.
- Modifications to on-street car parking on the eastern and western sides of Riley Street just north of the signalised crossing to accommodate the shared emergency vehicle/Australia Post and accessible pick-up/drop-off zone.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Part 2 Permitted or prohibited development	Complies
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 2.7 Demolition requires development consent	Complies
Clause 5.9 Preservation of trees or vegetation	Complies
Clause 5.10 Heritage conservation	Complies
Clause 7.7 Servicing	Complies
Clause 7.8 Active street frontages	Complies
Clause 8.1 Application of Part	Complies

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	N/A
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	Complies
C8 Public Domain	Complies
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
E11 Penrith	Complies

Section 79C(1)(a)(iv) The provisions of the regulations

Council's Building Surveyor raised no objection to the proposed upgrading of Riley Street including installation of awnings and associated civil works. Appropriate building conditions have been recommended to be included in the consent should the Application is recommended for approval.

Section 79C(1)(b) The likely impacts of the development

Context and Setting

The site is zoned B3 Commercial Core under the provisions of LEP 2010 which permits the proposed upgrade and civil works. The proposal will enhance the outdoor dining area of the existing food and drink premises through utilisation of the existing outdoor space within the footpath and colonnade space for outdoor dining which in turn improve activation of Riley Street. The proposal is consistent with the aims and objectives of the LEP and B3 Commercial Core for providing employment opportunities in accessible locations and reinforcing the role of the Riley Street as a retail centre.

Traffic, Access and Parking

Council's Traffic Engineering Department reviewed the amended plans and noted the following amendments:-

- relocation of emergency/PO/accessible bay to north of signalised crossing; reinstatement of footpath area to suit outdoor dining; reinstatement of kerb and gutter, pavement etc to match
- reduction of carriageway at signalised crossing from 5.5m to 5.0 m; new kerb and gutter, pavement etc to match;
- painted median to separate emergency bay and bus stops;
- removal of 30min parking and change to 5min parking for high turnover spaces;
- retention of taxi rank and bus bays as existing;
- additional bike racks;
- footpath widths varying from 1.65m to 3m (on western side of Riley Street).

No objection is raised from traffic engineering perspective particularly with regard to the allowance for a 3m wide footpath wherever possible and replacement of the half-hour parking spaces with 5-minute parking space to increase pedestrian activity. Appropriate conditions have been recommended to address all outstanding issues and they are outlined below:-

- Documentation from Australia Post regarding relocation of the post boxes and Post Office vehicle bay.
- Provision of a painted blister between the bay for emergency vehicles/accessible space/Australia Post vehicles and the existing bus bay. Council may require the construction of a concrete blister should there be ongoing unauthorised parking issues.
- Compliance with AS2890.5 On-Street Parking and Council's requirements with respect to kerb and guttering, pavement adjustment and kerb ramps as part of the parking bay relocation and footpath widening.
- Provision of secure bicycle parking.
- Submit a Signage and Linemarking Plan for the endorsement of Council's Local Traffic Committee.

In view of the above Traffic comments and the proposal will not result in additional floor space , it is considered that the proposal will not have any adverse impact on the traffic and parking conditions in the locality.

Landscaping

The proposal will require removal of existing trees and extension of paving and align with the adjacent kerb line. A majority of the trees proposed to be removed will be replaced with planter boxes. Replacement trees, of the same species, will be planted in the new planter boxes on the southern end of Riley Street. The replacement trees north of the signalised crossing will be planted in the same location and will not impact on the trenches construction for as part of the previous upgrade of Riley Street.

Safety and Security

The proposal to increase outdoor dining seating will provide natural surveillance to Riley Street and further enhance connection between the internal operations of the tenancies and the public domain. The proposed landscaping will assist territorial reinforcement and access control through channelling pedestrians to the designated footpaths. In this case, the proposal is therefore considered to be consistent with the CPTED principles.

Socio Economic Impact

The proposal will improve the existing retail use in Riley Street by providing an enhanced dining experience and greater choice. The proposal will also create additional employment opportunities which will result in a positive economic and social impact

Section 79C(1)(c)The suitability of the site for the development

The site of the proposed development is considered suitable for a number of reasons including:-

- The site is zoned B3 Commercial Core to permit the proposed use.
- The proposed development will enhance the dining precinct and improve accessibility within the commercial centre of Penrith.
- The site is well located with respect to its proximity to public transport.
- The site is well located in the context of the commercial area and providing employment opportunities.
- The use is compatible with surrounding retail/commercial land uses particularly the existing food and drink premises.
- The proposal will not compromise the emergency vehicle parking and accessible pick-up/drop-off zone.

Section 79C(1)(d) Any Submissions

Community Consultation

It is considered that the proposal is unlikely to have any detrimental impact on the owners and occupiers of the adjoining land with respect to their enjoyment of land. Therefore this Application was not notified nor exhibited.

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions

Section 79C(1)(e)The public interest

The proposed development will not generate any significant issues of public interest.

Conclusion

In assessing this application against the relevant environmental planning policies, being Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River and Penrith Local Environmental Plan 2010, the proposal satisfies the aims, objectives and provisions of these policies.

The site is considered suitable for the proposed development and is unlikely to have any negative impacts arising from the proposed development. Furthermore, the proposed design is site responsive and will be in the public interest. Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

1. That DA15/0951 for the upgrade of Riley Street Dining Precinct including installation of building awnings, landscaping and associated civil works at Lot 1 DP 1137699 No. 569-595 High Street PENRITH NSW 2750 be approved subject to the attached conditions.

General

1 A001

The development must be implemented and/or installed substantially in accordance with the following plans stamped approved by Council, the application form and any supporting information received with application, except as may be amended in red on the attached plans and by the following conditions.

Drawing	Drawing Ref	Revision	Prepared By	Dated
Location Plan	DA01.02	B	Scentre Design and Construction Pty Ltd	19/08/2015
Scope of Works	DA01.05	B	Scentre Design and Construction Pty Ltd	19/08/2015
Scope of Works	DA01.06	B	Scentre Design and Construction Pty Ltd	19/08/2015
Masterplan	DA01.11	C	Scentre Design and Construction Pty Ltd	12/10/2015
Roof Plan and RCP	DA01.12	B	Scentre Design and Construction Pty Ltd	19/08/2015
Elevation West (South)	DA01.13	C	Scentre Design and Construction Pty Ltd	12/10/2015
Elevation West (North)	DA01.14	C	Scentre Design and Construction Pty Ltd	12/10/2015
Elevation East	DA01.15	C	Scentre Design and Construction Pty Ltd	12/10/2015
North and South Elevation/Sections	DA01.16	B	Scentre Design and Construction Pty Ltd	19/08/2015
Landscape & Seat Detail (South)	DA01.30	D	Scentre Design and Construction Pty Ltd	18/01/2016
Landscape & Seat Detail (North)	DA01.31	C	Scentre Design and Construction Pty Ltd	12/10/2015

2 A018 - Obtain Construction Certificate before commencement of works

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

3 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

On completion of all works an Occupation Certificate (Final Inspection Report) shall be obtained from the Principal Certifying Authority.

4 A039 - Graffiti

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

5 A Special (BLANK)

The licensed seating areas shall not extent beyond the associated awning for the tenancy. The applicant shall re-negotiate the outdoor dining area with the Property Development Department of Penrith City Council if the proposed outdoor seating area differs from the existing allocated outdoor dining area.

6 A Special (BLANK)

Prior to final sign-off on the Roads Act approval works, a deed of agreement between Westfield and Council shall be executed outlining Westfield's maintenance obligations in relation to improvements situated on Council owned land and indemnifying Council against public liability in relation to these improvements.

Demolition

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

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

8 [B003 - ASBESTOS](#)

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

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

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

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

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

9 [B004 - Dust](#)

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

10 [B005 - Mud/Soil](#)

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

Environmental Matters

11 [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.

BCA Issues

12 [E001 - BCA compliance](#)

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

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

(b) formulating an alternative solution which:

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

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

Construction

13 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.

14 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.

Engineering

15 K101 - Works at no cost to Council

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

16 **K202A - Infrastructure Bond**

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of a Construction Certificate**. The bond shall be determined accordance with Council's adopted Fees and Charges.

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

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

17 **K203 - Section 138 Roads Act (roadworks requiring approval of civil drawings)**

Prior to the issue of a Construction Certificate for building works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of any works including but not limited to the following works within Riley Street for the extent between Henry Street and Jane Street.

- Removal of indented emergency parking bay and replace with footpath, replace kerb and gutter and reinstate road stormwater drainage including the relocation of kerb inlet pits.
- Landscaping works including the implementation of street trees, hedge planting, street furniture and the construction of planter boxes.
- Erection of awnings over or on the road reserve.
- Any associated works within the road reserve.

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

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

18 **K208 - Stormwater Discharge (Minor Development)**

Stormwater drainage for the for the building elements (including awnings and landscaping works) shall be discharged to the:

- a) Existing site drainage system

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.

19 **K221 - Access, Car Parking and Manoeuvring – General**

Prior to the issue of a S138 Roads Act approval, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

20 [K223 - Performance Bond](#)

Prior to the issue of any Construction Certificate, a performance bond is to be lodged with Penrith City Council for the works approved under the S138 Roads Act Approval.

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

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

21 [K302 - Traffic Control Plan](#)

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

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

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

22 [K501- Penrith City Council clearance – Roads Act/ Local Government Act](#)

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

23 [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, and the Penrith CBD Public Domain Technical Manual.

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.

24 [K507 - Linemarking & Signage](#)

Prior to the issue of an Occupation Certificate, and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

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

25 [K513 - Maintenance Bond](#)

Prior to the issue of an Occupation Certificate, a maintenance bond is to be lodged with Penrith City Council for the works approved under the S138 Roads Act Approval.

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

Note: Contact Council's **Engineering Services Department** on 4732 7777 for further information relating to bond requirements.

26 [K Special \(BLANK\)](#)

The new emergency/accessibile/Australia Post vehicles bay must be in accordance with AS2890.5-1993; AS2890.6-2009 and detailed on the plans associated with the S138 Roads Act approval.

27 **K Special (BLANK)**

To assist in preventing unauthorised parking, a painted blister is to be provided between the bay for emergency/accessible/Australia Post vehicles and the existing bus bay on the western side of Riley Street **prior to the issue of an Occupation Certificate**. If unauthorised parking over this space is an ongoing issue, Council reserves the right to request Westfield to construct a concrete blister for physical separation.

28 **K Special (BLANK)**

All associated kerb and guttering, pavement adjustments and kerb ramps required as part of the parking bay relocations and footpath widening are to be carried out in accordance with the *AS2890.5 On-Street Parking* and Council's requirements.

29 **K Special (BLANK)**

Prior to the issue of an Occupation Certificate, secure bicycle parking is to be provided in at convenient location(s) in accordance with *AS2890.3:2015 Bicycle Parking Facilities*.

30 **K Special (BLANK)**

Prior to the issue of an Occupation Certificate, the applicant is to submit a "Signage and Linemarking" Plan for the subject section of Riley Street, indicating the location and type of proposed regulatory parking signage, painted blister island, edge linemarking, and any other associated linemarking, for the endorsement of Council's Local Traffic Committee.

31 **K Special Condition BLANK**

A road occupancy license shall be obtained from Roads and Maritime Services for any works which may affect traffic signal operations.

32 **K Special Condition BLANK**

An application shall be made to Council's Local Traffic Committee for the temporary closure of Riley Street.

Note: Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 for further information on this process.

Landscaping

33 **L Special (BLANK)**

Should café barriers be proposed, a detailed strategy shall be submitted to and approved by Council **prior to the issue of a Construction Certificate**.

34 **L Special (BLANK)**

Prior to the issue of a Roads Act approval/Construction Certificate, the plans shall be amended to include street tree planting along the northern end of Riley Street (adjacent the car park ramps leading to Jane Street) to assist with softening the corner of the building in this location. To ensure the ongoing health of these trees the proposed awning shall also be reduced in size to allow for the development of the trees canopy.

35 **L Special (BLANK)**

Prior to the issue of a Roads Act approval/Construction Certificate, the design and specification of seating and/or other related street furniture within the road reserve shall be submitted to and agreed by both Scentre Group and Council. Street furniture shall be consistent with Council's Technical Manual or of a similar design. A gap shall be provided in the raised planter beds to accommodate any required seating.

36 **L Special (BLANK)**

Prior to the issue of a Roads Act approval/Construction Certificate, detailed plan and specifications for street trees within raised planter beds shall be submitted to and approved Council.

37 **L Special (BLANK)**

Prior to the issue of a Construction Certificate, further details shall be submitted to and approved by Council demonstrating a suitable building façade and window treatment at the north-west corner of the Riley Street/Henry Street intersection given the removal of the Jacaranda tree will reduce visual amenity in this location.

38 **L Special (BLANK)**

Prior to the issue of a Construction Certificate, the two new trees proposed within planter A and B at the south-western corner entry area shall be of a substantial pot size at planting and at maturity.

39 **L Special (BLANK)**

Prior to the issue of a Construction Certificate, the plans shall be amended to reflect the approved coco-cubano awning detail as per the revised awning and landscape detail - Riley Street South, reference DA01.30, issue D.

40 **L Special (BLANK)**

Prior to the issue of a Construction Certificate, the proposed roll down blind design and specifications shall be submitted to and agreed by both Secure Group and Council.

41 [L Special \(BLANK\)](#)

Prior to the issue of a Roads Act approval/Construction Certificate, detailed construction landscape plans shall be submitted to and approved by Council. The landscape plans shall be prepared by a suitably qualified and experienced landscape architect. The landscape plans shall include at a minimum detail species selection, pot sizes and height of plants/trees at maturity.

42 [L Special \(BLANK\)](#)

Prior to the issue of a Roads Act approval/Construction Certificate, details of replacement paving shall be submitted to and approved by Council. paving shall be consistent with Council's Technical Manual.

43 [L Special \(BLANK\)](#)

Prior to issue of a Construction Certificate, the proposed building colour scheme and signage details shall be submitted to and approved by Council.

Payment of Fees

44 [P001 - Costs](#)

All roadworks, dedications and drainage works are to be carried out at the applicant's cost.

45 [P002 - Fees associated with Council land \(Applies to all works & add K019\)](#)

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

Certification

46 [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.

47 [Q05F - Occupation Certificate for Class10](#)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.