

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA20/0628.02
Proposed development:	Modification to Approval to Use Former Police Station Heritage Item as Cafe/Restaurant Including Minor Site and Building Amendments
Property address:	6 River Road, EMU PLAINS NSW 2750 4 River Road, EMU PLAINS NSW 2750 4 Punt Road, EMU PLAINS NSW 2750 28 Great Western Highway, EMU PLAINS NSW 2750 30 Great Western Highway, EMU PLAINS NSW 2750
Property description:	Lot 9 DP 228204 Lot A DP 435464 Lot 1 DP 50164 Lot 10 DP 1216230 Lot 7038 DP 94188
Date received:	21 October 2021
Assessing officer	Mahbub Alam
Zoning:	RE1 Public Recreation - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a Section 4.55(1A) application which proposes modifications to an approved adaptive re-use of a locally listed heritage item (Schedule 5 of PLEP, Item No. 52) known as the former Police Cottage, as a restaurant and cafe at 4 Punt Road, Emu Plains.

Under Penrith Local Environmental Plan (LEP) 2010, the proposal is defined as a 'restaurant or café'. The subject properties are zoned RE1 Public Recreation and the proposal is a permissible land use in the zone, with consent.

As is stated in the applicant's Statement of Environmental Effects the proposed modifications relate to the former Police Station and Residence located at No. 4 Punt Road only (Lot 7038 in DP 94188) and the modified works do not involve any change to the proposed adjacent carparking located across allotments Lot 1 in DP 50164, Lot 10 in DP 1216230, Lot 9 in DP 228204, Lot A in DP435464 at Nos. 28-30 Great Western Highway and Nos. 4-6 River Road, which also formed part of the area subject to the works described in DA 20/0628.

Consent number DA20/0628 was approved by the Penrith Local Planning Panel (LPP) as Council was the applicant for the proposal. The proposed modifications application, being the subject of this DA can be considered under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, and as such, can be determined under Delegation by Council in accordance with Clause 2 of the Minister's Local Planning Panels Direction.

The proposal was notified to nearby and adjoining property owners and occupiers between 15 November and 29 November 2021. No submissions were received in response.

The Assessment Report was peer reviewed on 20 December 2021 by Council's external planning consultant with no issues raised.

An assessment under Section 4.15 and Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to the recommended condition amendments.

Background

Crown Land Management Act 2016

No. 4 Punt Road is owned by the state of NSW and as such is Crown land (Reserve 90020 reserved for future public requirements, public recreation, community purposes and heritage purposes). The land is under the management of Penrith City Council as a Council Crown land manager under the Crown Land Management Act 2016.

Regatta Park Plan of Management

The subject site forms part of the land that is known as Regatta Park.

Under Division 3.6 of the Crown Land Management Act 2016, Section 3.38 allows for reserved Crown land to be used for a purpose in addition to the purposes for which the land is reserved, if the purpose is specified in a plan of management.

The Regatta Park Plan of Management was prepared on behalf of Penrith City Council by Clouston Associates in 2016 in accordance with the NSW Local Government Act 1993. A plan of management must define existing and future uses of the land as required under the Local Government Act 1993 and the Crown Land Management Act 2016 (formerly Crown Lands Act 1989). Section 4.4 Master Plan Description of the Regatta Park Plan of Management provides for the future management and maintenance of Regatta Park, including the subject properties.

No. 4 Punt Road is identified as being located within Zone 2 - Dining Precinct (North-East) of the parklands and the Regatta Park Plan of Management provides for the following in relation to the subject property:

- *The existing Police Cottage will be retained. There is potential for this building to be used as a visitor orientation node.*

The existing Regatta Park Plan of Management 2016 needs to be revised and updated (5 year review) in accordance with the requirements of the Crown Land Management Act 2016 and the Local Government Act 1993, and the Regatta Park Plan of Management is to be specifically amended to provide for the nature and extent of the proposed future use of the subject properties as a café/restaurant with associated parking.

Notwithstanding, the Crown Land Management Act 2016 effectively requires Council's responsibilities as a Crown land manager to be as per Chapter 6, Part 2, Division 2 (Use and Management of Community Land) of the Local Government Act 1993. In this regard, the following is noted in relation to the proposal and relevant provisions of this division:

- **Section 35** - *Community land is required to be used in accordance with the applicable plan of management.* The proposal satisfies this provision, in that the Regatta Park Plan of Management authorises land uses which are permissible in the RE1 zone, including "restaurants or cafes".
- **Section 44** - *Pending the adoption of a plan of management for community land, the nature and use of the land must not be changed.* Although a new plan of management for Regatta Park is pending and a new land use is proposed as part of the subject proposal, the existing Regatta Park Plan of Management remains in place at the present time. Furthermore, the existing Regatta Park Plan of Management authorises the proposed new use and the new plan of management will also authorise this use.

As such, it is considered that the proposed modification can be pursued prior to the revision and update of the Regatta Park Plan of Management being adopted.

Regatta Park Upgrades

Proposed major upgrades to Regatta Park were due to begin in July 2021. These works are largely being undertaken by Council as Part 5 works which do not require development consent. The REF (Review of Environmental Factors) for these works has been publicly exhibited and a contractor for the works has been appointed. The subject proposal aligns with these proposed works and has been integrated into the overall design, as evident from the Regatta Park upgrades plan appended to this report.

Site & Surrounds

The site being the subject of the Section 4.55(1A) modification is No. 4 Punt Road, Emu Plains. The legal property description is Lot 7038 in DP 94188.

Nearby additional lots as listed below, formed part of the site for the assessment of the existing consent under DA20/0628.

- No. 28 Great Western Highway - Lot 1 DP 50164.
- No. 30 Great Western Highway - Lot 10 DP 1216230.
- No. 4 River Road - Lot 9 DP 228204.
- No. 6 River Road - Lot A DP 435464.

The Site being 4 Punt Road are located on the southern side of Punt Road, south-east of the intersection with the Great Western Highway and River Road.

No. 4 Punt Road contains a weatherboard with corrugated metal roof single storey cottage constructed in 1908 and weatherboard double privy (of a similar date), the remains of garden beds and pathways and tree plantings. The front property boundary is defined by a recent timber paling fence with metal gates for vehicle access and pedestrian access. The eastern boundary is defined by the remnants of a timber post and wire fence, while fencing to the south and west boundaries has been removed.

Vehicle access to the allotment at No. 4 Punt Road is available via the northern frontage, off Punt Road. In addition, the immediately adjacent allotment to the west (No. 28 Great Western Highway) has vehicle access off Punt Road and is also used to gain access to the subject property. As the property at No. 4 Punt Road is currently vacant, the cottage and privy are enclosed with security fencing due to recent vandalism, and the windows and doors of the cottage have been sheeted over with plywood boards to increase security.

Nos 28 and 30 Great Western Highway and Nos 4 and 6 River Road are vacant land. No. 30 Great Western Highway is an archaeological site and contains the archaeological remains of a former police residence/station. The site also contains an interpretation sign providing a brief outline of the history of the property.

Land Ownership

The five allotments listed above form part of Regatta Park. No. 4 Punt Road is Crown land reserved for future public requirements, public recreation, community purposes and heritage purposes. The reserve is under the management of Penrith City Council as a Council Crown land manager under the Crown Land Management Act 2016. The remaining four allotments at Nos 28 and 30 Great Western Highway and Nos 4 and 6 River Road are Penrith City Council owned land.

Present and Previous Uses

The building at No. 4 Punt Road was initially used as a police station residence for the Emu Plains Police until circa 1921, after which time it was in use as a single private residence. The premises is currently vacant.

Nos 28 and 30 Great Western Highway and Nos 4 and 6 River Road are currently vacant land. All four allotments have been vacant since the 1990s following demolition of the former buildings. No. 30 Great Western Highway is an archaeological site being the location of the former Emu Plains Police Station.

River Road is a local two lane road that presently provides vehicle access off the Great Western Highway along the western bank of the Nepean River. It was established as a road in 1854.

Proposal

The proposed modifications to the originally approved development include the following aspects:

- New addition to western side of privy (outhouse);
- Accessible WC extended to the south by 300mm to comply with DDA requirements. Accessible WC and cool room set off from existing kitchen by 270mm and roof ridge raised from 2700mm to 2900mm from internal FFL.
- Construction of separate waste room located to the south west of the existing building;
- Front and rear verandah balustrades to be reconstructed;
- Installation of ducted air conditioning to serve each room of the main building;
- Landscaping works, including:
 - Changes to path layout. Paths to be mostly brick paved with small portions decomposed granite;
 - Five trees to be relocated;
 - New plantings;
 - Whole of eastern boundary to be interpreted with new fence posts;
 - New bollards alongside all paths and external lighting to comply with crime prevention DA requirements.
- Minor internal changes, including widening of some internal openings, deletion of one proposed opening between room 6 and 7.
- Minor external changes, including:
 - Changes to size and material of eastern external awnings;
 - Modification of size and orientation of stairs to comply with BCA requirements;
 - Modification to materials to southern ramp – to be constructed in metal with brick landing;
 - Two new mechanical exhaust fans to new extension and over dishwasher room. Size of kitchen exhaust altered;
 - Appearance of external kitchen door (ND17) changed;
 - Existing sewer vent to eastern elevation to be removed.

Plans that apply

- Local Environmental Plan 2010
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

- **Section 4.15 - Evaluation**

The modified development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration.

- **Section 4.46 - Integrated development**

Although the site is in proximity to the Nepean River, the proposed development works are not located within 40m of the river. The closest distance between the proposed works and the river is approximately 43m. In this regard, the proposal does not require a Controlled Activity Approval (CAA) from the NSW Natural Resources Access Regulator (NRAR) and therefore the proposed development does not constitute integrated development under Section 4.46 of the Environmental Planning and Assessment Act 1979.

- **Section 4.55(1A) - Modifications involving minimal environmental impact**

Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (the Act), Council may modify a development consent provided several parameters are satisfied. These parameters are briefly discussed below.

(a) *The proposed modifications are of minimal environmental impact.*

- The proposed modifications to alterations and additions involve minor changes to the approved works and are required to address service provision and buildability. Changes to awning will address user amenity and other minor amendments will ensure compliance with the relevant Australian Standards.
- It is considered that the proposed modifications are unlikely to appreciably alter any environmental impacts as compared to the originally approved development. The proposed modifications have also been reviewed by Council's Heritage Officer who raised no objection. Therefore, the proposed modifications satisfy the relevant provisions of the Act.

(b) *The modified development is substantially the same development as was previously approved.*

The submitted Section 4.55(1A) application does not alter the nature of the development. The development will remain the same as originally approved. It is therefore considered that the proposed modifications represent substantially the same development for which consent was originally granted.

(c) *The application has been notified where required.*

The application has been notified to adjoining and nearby properties and was exhibited between 15 November 2021 and 29 November 2021. Council received no submissions in response.

(d) *Any submissions received from the notification process have been considered.*

No submissions were received in relation to the modification application.

Though the subject site is owned by Penrith City Council and the Council is the applicant for this modification application, however, the modifications application under Section 4.55(1A) can be determined by Council's staff in accordance with Clause 2 of the Minister's Local Planning Panels Direction.

- **Section 7.12 - Developer Contributions**

The development contribution was applied in the original DA. In this regard, there are no additional development contributions applicable to the proposal.

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Infrastructure) 2007

The traffic generated by the proposal was assessed under consent no. DA20/0628 and there are no changes proposed as part of this modification application. This application is not required to be referred to Transport for NSW under the Policy. In addition, Council's Traffic Engineer has reviewed the access, parking and traffic related aspects of the modifications and advised that the proposal is satisfactory in this regard.

State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) aims to provide a framework for the assessment, management and remediation of contaminated land throughout the state. Clause 7 of SEPP 55 prevents a consent authority from consenting to a development unless it has considered whether the land is contaminated and is satisfied that the land is suitable (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Site contamination was assessed under the original consent and the site was deemed suitable for the proposed land use. Adequate conditions of consent exist in relation to compliance with the submitted and approved reports and in relation to unexpected finds.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment of the development proposal has previously been conducted against relevant criteria within Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997) and it was determined as being satisfactory subject to the imposed conditions of consent. The proposed modifications will not impact this outcome.

Local Environmental Plan 2010

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.3 Height of buildings	Complies
Clause 4.4 Floor Space Ratio	N/A
Clause 5.6 Architectural roof features	N/A
Clause 5.10 Heritage conservation	Complies - See discussion
Clause 7.1 Earthworks	Complies - See discussion
Clause 7.2 Flood planning	Complies - See discussion
Clause 7.4 Sustainable development	Complies
Clause 7.5 Protection of scenic character and landscape values	N/A
Clause 7.7 Servicing	Complies
Clause 7.12 Maximum gross floor area of commercial premises	N/A

Clause 2.3 Permissibility

The proposal is defined as a "restaurant or café" which is a permissible use in the RE1 Public Recreation zone with consent.

Clause 2.3 Zone objectives

The objectives of the RE1 Public Recreation zone are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To ensure that development is secondary and complementary to the use of land as public open space, and enhances public use, and access to, the open space.*
- *To provide land for the development of services and facilities by public authorities for the benefit of the community.*

The modified development has demonstrated consistency with the above zone objectives through the retention of a heritage item and a number of significant trees on the site.

Clause 5.10 - Heritage conservation

The proposed amendments are minor nature and/or a fine tuning to make the approved development is construct able. The amendments have been undertaken with the input of experienced heritage consultants /Architects who have produced a comprehensive and thorough documentation. These documents have been reviewed and the works and proposed conservation methodologies were supported by Council's Heritage Advisor.

Clause 7.1 Earthworks

The modifications will involve minor excavation works only and is in accordance with the provisions of this clause.

Clause 7.2 Flood planning

A mainstream flood level of 26.1m AHD in the 1% AEP flood event applies to the site. Relative to this flood level, the proposed development meets habitable freeboard floor level requirements. The approved car park has flood free access and predominately lies outside the extent of the 1% AEP flood event.

The site of the proposed development is located within the Emu Plains low flood island. As such, a flood evacuation and management plan was required to support the original development. A recommended condition of consent required the submission of an updated Flood Risk Management and Evacuation Plan prior to the issue of an Occupation Certificate for the development.

The proposed modifications satisfy the provisions of Clause 7.2 of the LEP. In addition, the application was referred to Council's Development Engineer who was raised no objections.

Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument

There are no provisions within any applicable draft environmental planning instruments that directly impact the modified proposal.

Section 4.15(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	Complies - see Appendix - Development Control Plan Compliance
C8 Public Domain	Complies - see Appendix - Development Control Plan Compliance
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
E4 Emu Heights - Blue Mountains Escarpment Siting, Design and Management controls	N/A
E5 Emu Plains controls	N/A

Section 4.15(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applicable to the subject site or proposal.

Section 4.15(1)(a)(iv) The provisions of the regulations

Overall, the modifications as proposed will not alter the likely impacts of the development as identified in the original assessment report for the proposal.

Section 4.15(1)(b) The likely impacts of the development

The modifications as proposed are minor in nature and will result in essentially the same development as originally approved on the site. The proposed modifications are not expected to generate any additional amenity impacts in comparison to the original proposal. As the police Cottage is a locally listed heritage item, the modification application was referred to Council's Heritage advisor who raised no objection.

Section 4.15(1)(c) The suitability of the site for the development

The modifications do not diminish the suitability of the site for the development.

Section 4.15(1)(d) Any Submissions

Community Consultation

The modified development was notified to nearby and adjoining property owners/occupiers between 15 November 2021 and 29 November 2021. No submissions were received in response.

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
Heritage	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions
Environmental - Biodiversity	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections - subject to conditions
Tree Management Officer	No objections - subject to conditions

Section 4.15(1)(e)The public interest

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

Conclusion

Consideration of all relevant matters has identified that the modified development is suitable for the site. After detailed consideration of all matters under Section 4.15 and Section 4.55(1a) of the Environmental Planning and Assessment Act 1979, it is recommended that the application be approved.

Recommendation

That DA20/0628.02 for modifications for the adaptive re-use of a locally listed heritage item including alterations and additions to convert the former Emu Plains Police Station residence into a cafe/restaurant at 4 Punt Road, Emu Plains, be approved subject to the following conditions.

- Amendment of Condition No.1 to reflect the modified plans.
- Amendment of Condition No.82 to reflect the amended landscape plan.
- Amendment of Condition No.91 to reflect the tree transplanting guidelines.

CONDITIONS

General

1 A001 - Approved plans table

The development must be implemented substantially in accordance with the following plans and documents 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 documents and by the following conditions.

Plan/Document Title	Plan/Document Reference	Prepared By	Dated
Context & Analysis Plan	124010/11/B	LSJ Heritage Planning & Architecture	29/09/2020
Proposed Site Plan	124010/14/C	LSJ Heritage Planning & Architecture	03/05/2020
As Existing Plan Showing Demolitions	124010/12/A	LSJ Heritage Planning & Architecture	29/09/2020
Proposed Plan	124010/16/A	LSJ Heritage Planning & Architecture	06/05/2021
Proposed East and South Elevations	124010/18	LSJ Heritage Planning & Architecture	05/09/2020
Proposed North and West Elevations	124010/19	LSJ Heritage Planning & Architecture	05/09/2020
Demolition Plan	LD-CD-PC1, Rev. 1	Mcgregor Coxall	12/05/2021
Materials & Finishes Plan	LD-CD-PC2, Rev. 1	Mcgregor Coxall	12/05/2021
Planting Plan (as amended by Condition 95)	LD-CD-PC3, Rev. 1	Mcgregor Coxall	12/05/2021
Crime Prevention Plan - CPTED	124010/21/A	LSJ Heritage Planning & Architecture	06/05/2021
Waste Management Plan	124010/20/B	LSJ Heritage Planning & Architecture	13/06/2021
Cover Sheet	C000, Rev 3, Sheet 1	Omega Projects Services	02/05/2021
Stormwater Management Plan - Ground Floor	C100, Rev 3, Sheet 2	Omega Projects Services	02/05/2021
Statement of Heritage Impact	-	LSJ Heritage Planning & Architecture	19/05/2021
Historical Archaeological Management Plan	B.2020.1031.HAMP	Unearthed Archaeology & Heritage	21/02/2020
Conservation Management Plan	-	Lucas Stapleton Johnson & Partners Pty Ltd	February 2020
Traffic, Parking and Pedestrian Impact Study	SCT_00123, Rev. 3	SCT Consulting Pty Ltd	14/05/2021
Arboricultural Impact Assessment Report	-	Earthscape Horticultural Services	08/02/2021
Planning Stage Acoustic Report	S200822RP1, Rev. 0	Resonate	04/02/2021
Asbestos Daily Air Monitoring Report	-	Trinitas Group	17/02/2021
Asbestos Clearance Certificate	-	Trinitas Group	17/02/2021
Schedule of Conservation Works	-	LSJ Heritage Planning & Architecture	23/09/2020
Detailed Site Investigation (DSI)	-	Trinitas Group	03/03/2021

Regatta Park Historical Archaeological Test Excavation Addendum	SYD20 16809, Version V1	Eco Logical Australia	03/09/2020
Regatta Park Archaeological Testing (Permit 2020/s140/015) - Summary Report	SYD20 16809	Eco Logical Australia	11/11/2020
Interim Asbestos Management Plan	-	Trinitas Group	12/01/2020
Flora and Fauna Assessment	WSP1, Version V2	Narla Environmental Pty Ltd	02/07/2020

And as further amended by the following plans and documents:

Plan/Document Title	Plan/Document Reference	Prepared By	Dated
Proposed Site Plan	124010/14/D	LSJ Heritage Planning & Architecture	06/10/2021
As Existing Plan Showing Demolitions	124010/12/B	LSJ Heritage Planning & Architecture	06/10/2021
Proposed Plan	124010/16/L	LSJ Heritage Planning & Architecture	06/10/2021
East and South Elevations	124010/18/D	LSJ Heritage Planning & Architecture	06/10/2021
North and West Elevations	124010/19/D	LSJ Heritage Planning & Architecture	06/10/2021
As Existing Privy Plan and Elevations	124010/30	LSJ Heritage Planning & Architecture	02/07/2020
Privy and Store Plan and Elevations	124010/31/D	LSJ Heritage Planning & Architecture	10/06/2021
Waste Enclosure for 2 No. 1100 Bins and 1 No. 660 Recycling Bin	124010/33/D	LSJ Heritage Planning & Architecture	12/08/2021
Existing Landscape Plan, Including Relocated Trees	124010/204	LSJ Heritage Planning & Architecture	05/08/2021
Landscape Plan	124010/205	LSJ Heritage Planning & Architecture	05/08/2021
Statement of Heritage Impact	-	LSJ Heritage Planning & Architecture	08/11/2021
Waste Management Plan		LSJ Heritage Planning & Architecture	-

As amended on 22 December 2021 under the provisions of Section 4.55(1A) of the Environmental Planning Assessment Act 1979.

2 [A012 - 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.

3 [A014 - LOT CONSOLIDATION](#)

[DELETED in accordance with Penrith Local Planning Panel Determination and Statement of Reasons.]

4 [A019 - Occupation Certificate](#)

A satisfactory inspection from an authorised officer of Council's Environmental Health Department is required prior to the issue of an 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.

5 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

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

6 [A021 - 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 the Occupation Certificate and operation of the business.

7 [A026 - Advertising sign \(not for residential\)](#)

A separate development approval shall be obtained for the erection of a sign or advertising structure, other than an advertisement listed as exempt development or approved by this consent.

8 [A029 - HOURS OF OPERATION AND DELIVERY TIMES](#)

The approved operating hours are from 7am to 10pm, Mondays to Sundays. Delivery and service vehicles generated by the development are to be limited to between 7am and 7pm for deliveries and to between 7am and 10pm for garbage collection services.

9 [A032 - Goods in buildings](#)

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

10 [A038 - LIGHTING LOCATIONS](#)

Prior to the issue of an Occupation Certificate, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

11 [A039 - Graffiti](#)

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

12 [A046 - Obtain Construction Certificate before commencement of works](#)

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

13 [A Special](#)

Prior to the service of liquor from the premises, the appropriate liquor licence shall be obtained from Liquor & Gaming NSW. Any application to Liquor & Gaming NSW to serve liquor must reflect the approved use of the premises as a café/restaurant. In this regard, meals must be made available to patrons at all times that the café/restaurant is operating.

14 [A Special CPTED Requirements](#)

The following community safety and crime prevention through environmental design (CPTED) provisions are required to be implemented **prior to the issue of an Occupation Certificate** and/or in perpetuity, as relevant:

(a) Lighting

- All outdoor/public spaces throughout the development (including all pathways throughout the site) 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.

(b) Building Security & Access Control

- Intercom, code or card locks or similar must be installed for all restricted entries to the building.
- Australian Standard 220 door and window locks must be installed.
- 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.
- A monitored alarm system must be installed.

(c) Entrances

- Entrances must be well signposted and easily identifiable.

(d) Graffiti/Vandalism

- Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, 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.

(e) Landscaping

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

Demolition

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

All demolition works are to be conducted in accordance with the provisions of AS 2601-2001 "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**.

16 [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 Environment Protection Authority to receive asbestos wastes.

17 **B004 - Dust**

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

18 **B005 - Mud/Soil**

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

19 **B006 - Hours of work**

Demolition works 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and does not involve external walls or the roof, and does not involve the use of equipment that emits noise, then the demolition works are not restricted to the hours stated above.

The provisions of the Protection of the Environment Operations Act 1997 in regulating offensive noise also apply to all construction works.

Heritage/Archaeological relics

20 C002 - ARCHIVAL RECORDING

Prior to the commencement of works, two (2) complete copies of an archival recording of the local heritage item on the site are to be submitted to Penrith City Council, including a set of photographic negatives.

The archival recording shall be prepared by an experienced heritage consultant and is to be in accordance with the Archival Recording Standards described below.

- Title page (with subject, author, client, date and copyright).
- Statement of why the record was made.
- Outline history of the item and associated sites, structures and people.
- Statement of heritage significance of the items using the State Heritage Inventory criteria.
- Inventory of archival documents related to the item (e.g. company records and original drawings) when available.
- Location plan (show relationship to surrounding geographical features, structures, roads, vegetation, etc and include a north point).
- Base plans, drafted or hand-drawn, including:
 - (i) cross references to photographs;
 - (ii) name the relevant features, structures and spaces;
 - (iii) a north point.
- Black and white photographic record, including one set of 35mm black and white negatives labelled and cross referenced to base plans and accompanied by informative catalogues, and two copies of proof sheets and select medium format prints showing important details. The images shall include:
 - (i) views to and from the site (possibly from four compass points);
 - (ii) views showing relationships to other relevant structures and landscape features;
 - (iii) all external elevations;
 - (iv) views of all external and internal spaces (e.g. courtyards, rooms, roof spaces, etc); and
 - (v) external and internal details (e.g. joinery, construction joints, decorative features, paving types, etc); all photographic images shall be mounted and labelled.
- Colour slides (two copies mounted in archivally stable slide pockets, clearly labelled and cross referenced to base plans). Images shall include:
 - (i) view to and from the site and/or the heritage item, and
 - (ii) views and details of external and internal colour schemes as appropriate.Selected colour prints may be required. They should be mounted and labelled.
- Measured drawings, with appropriately scaled drawings printed on archivally stable paper. For a built item, this may include:
 - (i) site plan (1:500 or 1:200),
 - (ii) floor plan(s) (1:100 or 1:50),
 - (iii) elevations and sections (1:100 or 1:50),
 - (iv) roof plan(s) (1:100 or 1:50),
 - (v) ceiling and joinery details (1:20 or 1:10), and
 - (vi) machinery and services details, e.g. drainage line shafts.
- The archival recording shall be presented to Council as a single bound document preferably in A4 format. Large maps shall be folded and inserted as map pockets attached to the document. Similarly, all photographic images shall be fixed to the document and labelled. Unbound documents or loose supporting materials such as maps, plans, slides, negatives or prints are not acceptable.

As an alternative to film photography, a digital archival record in accordance with current Heritage NSW guidelines may be provided as part of satisfying this condition.

21 C003 - Uncovering relics

If any archaeological relics are uncovered during the course of the works, no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act 1977 may be required before any further work can be recommenced in that area of the site.

22 C Special

The former police station archaeological remains area (30 Great Western Highway) shall be suitably cordoned-off and protected during the course of works associated with the development.

23 **C Special BLANK**

A Heritage Interpretation Strategy shall be submitted to, and approved by, the Development Services Manager of Penrith City Council **prior to the commencement of works.**

24 **C Special BLANK**

The Heritage Interpretation Strategy is to be further developed into a Heritage Interpretation Plan which is to be submitted to, and approved by, the Development Services Manager of Penrith City Council **prior to the issue of an Occupation Certificate.** The Heritage Interpretation Plan outcomes shall be fully implemented **prior to the issue of an Occupation Certificate.**

25 **C Special BLANK**

The consultant Heritage Architect is to be employed throughout the construction phase to attend regular site inspections, issue instructions and record meeting notes especially relating to any latent conditions and to ensure the approved plans and documents are followed.

Prior to the issue of an Occupation Certificate, the consultant Heritage Architect is to submit a report for review and approval by the Development Services Manager of Penrith City Council. This report shall outline the record of site meetings, instructions and confirmation that the works have adhered to the approved plans and documents.

Environmental Matters

26 **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.

27 **D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill 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, considered and approved by 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 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.

{Note: Penrith 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."}.

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.

28 **D009 - Covering of waste storage area**

All waste materials stored on-site during works are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

29 **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.

30 **D013 - Approved noise level 1**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Planning Stage Acoustic Report prepared by Resonate Consultants (DOC ID: S200822RPI) dated 4/2/2021. The recommendations provided in the above-mentioned acoustic report regarding mechanical ventilation and sound barriers (if noise criteria can not be achieved) for the development 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.

31 **D014 - Plant and equipment noise**

Prior to the issue of a 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 stated in the acoustic report.

A statement is to be provided to council prior to Construction Certificate issue that the noise output from selected mechanical equipment complies with the original acoustic report. If the selected plant exceeds these levels, then solid noise barrier or acoustic louvres around the plant items must be shown on amended plans and noise levels indicated to show compliance with current acoustic criteria.

Prior to the issue of an Occupation Certificate, a Compliance Certificate is to be submitted to, and approved by, Council. The Certificate is to outline that all plant and equipment have been installed to comply with the above information and the established noise criteria. Should the Compliance Certificate identify any non-compliance issues, the Certificate is to provide suitable recommendations for mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

32 **D015 - Spill prevention & clean-up procedures**

A plan detailing spill prevention, contingency and emergency clean-up procedures for the development shall be submitted to Council for approval **prior to the issue of a Construction Certificate**. The approved procedures plan shall be implemented in the event of a spill or emergency.

33 **D132 - Approved noise Level 3**

Noise levels from the premises shall not be audible within a habitable room of any surrounding residence between 10pm and 7am.

34 **D Special**

The recommendations in the Flora and Fauna Assessment (dated July 2020) prepared by Narla Environmental (Project No. WSP1) shall be implemented during the course of the works to be undertaken on the site.

35 **D Special 1 - Complaints Relating to Noise**

Should council receive complaints from surrounding residents regarding early morning garbage removal, mitigation action shall be taken in restricting times permitted for garbage collection.

36 **D Special 2 - Complaints Relating to Excessive Noise**

In the event of Council receiving a complaint regarding excessive noise, the person(s) in control of the premises from where the noise is emanating may be directed by Council to at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying any need for proposed methods for the control of noise emanating from the premises.

BCA Issues

37 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).

38 E006 - Disabled access and facilities

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

39 E - Lever Handles

Prior to the issue of an Occupation Certificate, lever handles are to be installed on all existing doors that form part of a required exit or in the path of travel to a required exit and must be readily openable without a key from the side that faces a person seeking egress in accordance with D2.21 Operation of latch of the Building Code of Australia 2019.

Health Matters and OSSM installations

40 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*.

41 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 AS 1668, Parts 1 & 2.

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

The exhaust hood must completely cover the equipment to be ventilated and extended 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 Occupational 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.

An exhaust system must also be installed over the dishwasher equipment complying with Building Code of Australia and Australian Standard AS 1668, Parts 1 & 2.

42 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.

43 **F027 - Hand basins**

Hand basins 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.

Separate hand wash facilities for the sole purpose of hand washing, serviced with hot and cold water through a single outlet, must be installed in the kitchen and in the bar area.

44 **F029 - Hand basin within toilets used by staff**

A hand basin must be located within the toilet cubicle. Hand basins 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 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.

45 **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.

46 **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.

47 **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.

48 **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.

49 **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.

50 **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.

51 **F036 - Service pipes**

Service pipes, electrical conduits and 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 25mm clearance from the adjacent wall and 100mm 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.

52 **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.

53 **F038 - Window sills**

Any window sill within a food preparation area, service or scullery area must be located 450mm above the top of any bench/sink and tiled at a splayed angle of 45 degrees.

54 **F039 - Fly screens**

Flyscreens or other approved means of excluding flies must be provided to all window and door openings.

55 **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.

56 **F042 - Dishwasher**

Dishwashing/glass washing machines must be capable for all utensils and equipment to 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.

57 **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.

58 **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.

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

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 200mm.

NOTE: False bottoms under fittings are not permitted (AS 4674-2004 – Sections 4.2 and 4.3).

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 the 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 **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.

69 **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.

70 **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.

71 **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:

- a) be constructed of impervious material such as metal or plastic;
- b) have tight fitting lids; and
- c) bins that cannot be lifted for draining after cleaning shall have drainage bungs at the base.

72 **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

73 **G002 - Section 73**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at www.sydneywater.com.au then the “e-developer” icon, or telephone 13 20 92.

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

74 **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.

75 **G006 -**

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997;
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

Construction

76 **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 is to be erected:

- at the commencement of, and for the full length of the, construction works on-site, 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.

77 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.

78 H041 - Hours of work (other devt)

Construction works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and 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

79 K101 - Works at No Cost to Council

All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to effect the consented development shall be undertaken by the applicant / relevant Council department, including payment of related costs.

80 **K201 - 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 Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

81 **K202 - S138 Roads Act - Minor Works in the Public Road**

Prior to the issue of any Construction Certificate, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, 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
- 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 Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

Note:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- Separate approval may be required from Transport for NSW for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate.

82 **K209 - Stormwater Concept Plan**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Omega Project Services, project number 201219, drawing numbers C000-C100, issue 3, dated 02/05/2021 and landscape plans prepared by McGregor Coxall, sheet number sLD-CD-PC1-PC3, issue I, dated 15/05/2021 and Landscape Plan, Prepared by LSJ Heritage Planning & Architects, Dwg No. 124010/205, dated 05/08/2021.

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 Policies.

As amended on 22 December 2021 under the provisions of Section 4.55(1A) of the Environmental Planning Assessment Act 1979.

83 **K222 - Access, Car Parking and Manoeuvring - General**

Prior to the issue of any Construction Certificate, the Certifier 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 Development Control Plan 2014.

84 **K301 - Sediment & Erosion Control**

Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate or Subdivision Works Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

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

85 **K405 - 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.

86 **K501 - Penrith City Council Clearance - Roads Act / Local Government Act**

Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that all works associated with a Section 138 Roads Act approval have been inspected and signed-off by Penrith City Council.

87 **K511 - Directional Signage**

Prior to the issue of any Occupation Certificate, directional signage and line marking shall be installed within the car parking area to address potential conflicts associated with the one-way movement through the 5m wide aisle linking the two parking areas, as well as promoting one-way movement through the loop road section of the internal parking area.

88 **K Special (BLANK)**

The driveway shall be constructed in a way that restricts manoeuvres into and out of the site to left-in and left-out only. This detail shall be reflected on the Construction Certificate and Roads Act approval plans.

89 **K Special Condition BLANK**

Prior to the issue of an Occupation Certificate, the Certifying Authority shall ensure that an updated Flood Risk Management and Evacuation Plan is prepared by a qualified consultant and includes, but is not limited to, the following aspects:

- Preparation for a flood emergency;
- Action plans in the likelihood/during a flood/after a flood;
- Emergency contact details;
- Flood emergency kit;
- Integration with local flood and catchment plans;
- Nepean River flooding evacuation route (considering evacuation from the Emu Plains low flood island prior to roads being cut off by floodwater); and
- Implementation, maintenance and review program.

The updated Flood Risk Management and Evacuation Plan is to be submitted to Council's Development Services Manager for information. The Flood Risk Management and Evacuation Plan shall continue to be operated and maintained in perpetuity for the life of the development.

Landscaping

90 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plans and 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.

91 **L002 - Landscape construction**

The approved landscaping for the site must be constructed by a suitably qualified and experienced landscape professional.

The following tree transplanting guidelines are to be complied with:

- All trees proposed for transplanting are to be located as shown on the Existing Landscape Plan (including relocated trees), prepared by Lucas, Stapleton & Johnson, Dwg No 124010/204, dated 5.8.2021.
- The tree/s are to be transplanted under the care and control of a suitably qualified arborist/transplanter with a minimum of 5 years' experience in advanced tree transplanting. The name and contact details to be provided to the approving authority not less than fourteen (14) days prior to commencement of building works.
- The preparation of the selected trees for transplanting is to be carried out to accepted best practice arboricultural standards and commenced well in advance of the transplant date to ensure adequate root development has occurred within the root ball area.
- Prior to moving the selected trees the root ball is to be carefully wrapped with a suitable material such as hessian, geotech fabric, or similar to ensure the root ball is not damaged and does not dry out during transporting. Watering of the root ball during transport may also be necessary.
- The hole into which the subject tree is to be planted shall be prepared well in advance, with adequate drainage and any necessary soil amelioration works undertaken as required. Soil backfill around the root ball is to be free of compaction, have a suitable pH, with at least 10% composted organic material (by volume) and be similar or compatible with the existing soils on site to promote lateral root development into the existing soil.
- All transplanted trees are to be guyed / staked for at least twelve (12) months or until it can be demonstrated that they are secure in the ground. This is to facilitate the development of replacement roots to support the plant safely and securely in its new location.
- Once transplanted, tree protective fencing is to be installed around these trees a minimum distance of 1.0m outside the edge of the drip line, or in the case of Palm species not less than 3 metres from the trunk.
- The approving authority is to be notified on completion of transplanting and fencing works for inspection by the approving authority.
- At a minimum protective fencing shall remain in place until all site work has been completed. If the tree/s are still not stable once work has been completed consideration should be given to leaving the protective fencing in place until it is assessed by the transplanter as no longer being required.

As amended on 22 December 2021 under the provisions of Section 4.55(1A) of the Environmental Planning Assessment Act 1979.

92 **L003 - Report requirement**

On completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a suitably qualified and experienced landscape professional.

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

93 **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 Development Control Plan 2014.

94 **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.

95 **L008 - Tree Preservation**

No trees are to be removed, ring barked, cut, topped, lopped or willfully destroyed (other than those approved for removal by this consent) without the prior consent of Penrith City Council and in accordance with Part C, Section C2 Vegetation Management of Penrith Development Control Plan 2014.

In this regard, the only trees authorised for removal as part of this consent are Trees 129, 130, 135 and 386, as identified as being warranted for removal due to the proposed development in the Arboricultural Impact Assessment Report (dated 8 February 2021) prepared by Earthscape Horticultural Services.

Prior to the issue of an Occupation Certificate, a total of 29 replacement trees are to be planted as part of the landscape works and in accordance with the approved Planting Plan.

96 **L Special**

The recommendations in the Arboricultural Impact Assessment Report (dated 8 February 2021) prepared by Earthscape Horticultural Services shall be implemented during the course of the works to be undertaken on the site.

97 **L Special 1**

No fill, machinery, or materials are to be placed or stored within the drip line of any tree that is to be retained. All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards as outlined in Australian Standard AS 4970-2009 'Protection of Trees on Development Sites'.

Development Contributions

98 **N001a - Section 7.12 Contribution**

This condition is imposed in accordance with Penrith City Council's Development Contributions Plan for Non-Residential Development. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$20,600.00** is to be paid to Penrith City Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.12 plan.

The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule. Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The Section 7.12 invoice accompanying this consent should accompany the contribution payment. The Section 7.12 Contributions Plan for Non-Residential Development may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Certification

99 **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 Certifier 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 Certifier shall submit to Council an "Appointment of Principal Certifier" in accordance with Section 6.6 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 6.6 of the Environmental Planning and Assessment Act 1979.

100 **Q05F - Occupation Certificate for Class10**

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

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.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C1: Site Planning and Design Principles

- The modified works include the construction of a new addition to the western side of the existing Privy. The addition is a small, single storey framed structure with a skillion roof located below the eaves of the existing privy. The proposed new Waste Room is also a similar small-scale lightweight structure located away from the main building. These works have been designed to complement the style, form and height of the existing building.
- The proposed addition to the Privy and new Waste Room are consistent with the existing building's height, bulk and scale and will have minimal visual impact. The proposed landscaping works involve new plantings appropriate to the vegetation community of the surrounding area of the Nepean River. The proposed landscaping works will result in no impact on the area's landscape or scenic character and will not impinge on existing available views into and out of the Regatta Park Precinct and surrounding public reserve lands.
- The modified works involve the extension of the approved cool room and accessible WC by 300mm to the south. A separate Waste Room is also proposed to be located to the south west of the existing the former Police Station and Residence. As such, there will be a further minor reduction in setbacks to the western and southern property boundaries of 4 Punt Road which was approved under original DA. However, as the former Police Station and Residence is a stand-alone building within the parklands of Regatta Park, there is no established streetscape character or setbacks and there are no immediately adjacent residential buildings or overshadowing issues. The remainder of the allotment will be retained as landscaped area, with minimal hard paving. As such, the minor reduction in the setbacks will result in no impacts on the existing street context and streetscape character. The modified works also include landscaping and new pedestrian paths linking the former Police Station and Residence to carparking to the west, privy to the south, and Punt Road to the north. These paths will be primarily finished with brick paving and decomposed granite. The proposed new pedestrian paths will only minorly increase the overall impervious surfaces within the property, and are largely in the same location and extent to those pedestrian paths already approved.
- The proposed modified works involve the extension of the approved Accessible WC by 300mm in order to comply with DDA requirements. Three internal openings and one external opening have been marginally widened in order to provide equitable access to the building in accordance with AS 1428.1 – 2009. The size and orientation of the external stairs has also been modified in order to comply with BCA requirements. Tactile Ground Surface Indicators have been specified to all stairways and ramps. New external lighting is proposed to the exterior of the building, all paths, and the handrails of external stairs, ramps, and the eastern deck. The modified proposal ensures compliance with all other relevant Australian Standards.
- The modified Waste Room is proposed to be located on the western side of the former Police Station and Residence, behind the building line and not adjacent to communal outdoor seating areas. The Waste Room is to be clad in corrugated metal cladding in keeping with character of the existing cottage and minimising visual impact.

C2: Vegetation Management

The modification involves the relocation of five trees within the allotment to a new area within the same allotment. According to the Aboricultural Impact Assessment Report and Addendum (Earthscape Horticultural Services, September 2020) prepared as part of the original DA, the Murraya tree (T12/Tree T386) is identified as being of Moderate retention value and the Sentry palm (T7/T374) is identified as being of High retention value. Both trees are being retained but are required to be relocated to accommodate the new deck and pathways. The other trees and shrubs identified to be relocated as part of the modification are not included within the Aboricultural Impact Assessment Report. Regardless, all five trees are being retained, rather than removed. Furthermore, This modification application was referred to Council's Tree Management Officer for further review and raised no objections subject to additional conditions

relating to tree transplanting guidelines.

C3: Water Management

The modified works involve the extension of the approved WC and Cool Room by 300mm, the construction of a new addition to the Privy, and a new Waste Room. As a result, the overall roof area will increase from 180m² to 188m². All new pathways proposed are permeable (brickwork or decomposed granite) and new structures such as the ramp and decking are also permeable, and any stormwater run-off generated as a result of these features will be allowed to soak into the ground. Furthermore, the modification application was referred to Council's Development Engineer and Environmental Waterways Officer for further review and raised no objection.

C5: Waste Management

The proposed modifications will result in no change to the assessment already made in regards to this clause. An updated Waste Management Plan has also been prepared and which addresses the proposed new Waste Room. The modified proposal includes the construction of a separate Waste Room, located to the south west of the former Police Station and Residence, away from the primary street frontage (Punt Road) and adjacent to the proposed loading zone and turning circle within the approved carpark west of the former Police Station and Residence allotment. However, the new Waste Room will not obscure or obstruct traffic and pedestrian movement within the subject and adjacent properties. The enclosure is to be clad in galvanised corrugated metal sheeting to allow for the hosing out of the enclosure. The enclosure has been designed to accommodate two 1100L Bins and one 660L Recycling Bin. The galvanised metal sheeting has been selected as it is an appropriate material for the heritage values of the former Police Station and Residence and is in keeping with the character of the property. All other matters relating to waste management will not change as a result of the proposed modified works.

C6: Landscape Design

- The modified proposal involves the relocation of five trees within the allotment to a new area within the same allotment. They are being relocated in order to make way for the proposed approved development as per original DA approval.
- New plantings and garden beds are also proposed to be located to the north, south and western sides of the building. The selected plantings comprise both native and introduced species. The introduced species have been selected as they are in keeping with the existing character of the locality and heritage values of the place. The updated Statement of Heritage Impact has also addressed the modified works. The selected plantings will have a low chance of spreading into native bushland and are not species listed in the Noxious Weeds Act 1993 or on the list of environmental weeds as per Appendix F4 of the Penrith DCP 2014.
- The proposed modified works will result in a minimal loss of landscaped area due to the construction of the Waste Room and Privy addition, however, the amount of vegetation within the property will be increased.
- The pedestrian paths within No. 4 Punt Road will be finished with brick paving and decomposed granite, which are both permeable surfaces. The remainder of the landscaped area will remain grassed with scattered plantings.
- The modified landscape design has been developed in line with the conservation management plan for the place, includes the retention of historic landscape features and trees and is in keeping with the historic character of the site. The landscape design will enhance the amenity and visual qualities of the site and has been designed to ensure key views into and out of the site will be retained.

C7: Culture and Heritage

The proposed amendments are minor nature and/or a fine tuning to make the approved development is construct able. The amendments have been undertaken with the input of experienced heritage consultants /Architects who have produced a comprehensive and thorough documentation. These documents have been reviewed and the works and proposed

conservation methodologies were supported by Council's Heritage Advisor..

C8: Public Domain

The proposed modifications will result in no change to the assessment already made in regards to this section.

C10 Transport, Access and Parking

The proposed modifications are only within the allotment at No. 4 Punt Road. No changes are proposed to the carparking approved as part of original DA. As such, the proposed modifications will result in no change to the assessment already made in regards to this section.