

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA20/0628
Description of development:	Adaptive Re-Use of Locally Listed Heritage Item - Alterations & Additions to Convert Former Police Station Residence into Cafe/Restaurant including Construction of Related Car Parking
Classification of development:	Class 6

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 9 DP 228204 Lot A DP 435464 Lot 1 DP 50164 Lot 10 DP 1216230 Lot 7038 DP 94188
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

DETAILS OF THE APPLICANT

Name & Address:	Penrith City Council 601 High Street PENRITH NSW 2750
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DECISION OF CONSENT AUTHORITY

In accordance with Section 2.17 and Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in Attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Date from which consent operates	23 June 2021
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Date the consent expires	23 June 2026
Date of this decision	23 June 2021

POINT OF CONTACT

If you have any questions regarding this determination you should contact:

Assessing Officer:	Mahbub Alam
Contact telephone number:	+612 4732 7693

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 (as amended).

Conditions

Your attention is drawn to the attached conditions of consent in Attachment 1.

Certification and Advisory Notes

You should also check if this type of development requires a Construction Certificate in addition to this development consent.

It is recommended that you read any Advisory Note enclosed with this Notice of Determination.

Review of Determination

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within twelve months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within twelve months of receiving this Notice of Determination.

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a Complying Development Certificate pursuant to Section 8.6(3) of the Environmental Planning and Assessment Act 1979.

Designated Development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 56 days after the date of this notice.

If the applicant appeals against this decision, the objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panel

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act 1979 (as amended) for any further regulations.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- ¹ 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

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

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

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

10 **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 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism

immediately removed/repaired.

- 12 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 13 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 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 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 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 Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
- 18 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 19 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 **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 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 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 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 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 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 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 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 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 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 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 **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 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 Noise levels from the premises shall not be audible within a habitable room of any surrounding residence between 10pm and 7am.
- 34 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 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 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 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 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 **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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 Flyscreens or other approved means of excluding flies must be provided to all window and door openings.
- 55 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 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 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 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 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 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 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 All storage cabinets (internal and external surfaces) must be finished in a smooth and non-absorbent approved material that is free of joints.
- 63 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 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 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 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 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 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 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 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 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 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 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 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 **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 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 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 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 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 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 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 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.

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.

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

92 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 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 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 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 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 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'.

Section 94

98 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 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 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.

SIGNATURE

Name:	Robert Craig Principal Planner
Signature:	

For the Development Services Manager