

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA19/0615
Proposed development:	First Use Fit-Out and Use as a Restaurant and Associated Signage - Tenancy T6 & T7
Property address:	78 - 88 Tench Avenue, JAMISONTOWN NSW 2750
Property description:	Lot 3 DP 30354
Date received:	5 September 2019
Assessing officer	Sufyan Nguyen
Zoning:	SP3 Tourist - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for a fit-out and use as a restaurant including associated signage at 78 - 88 Tench Avenue in Jamisontown. The subject site is zoned SP3 Tourist under the *Penrith Local Environmental Plan 2010* and the proposed development is permissible with Council consent.

The subject premises (Tenancy T6 - T7) is a part of an approved restaurant and café development for the site. The development site is considered to create a shortfall of parking spaces in accordance with the minimum parking space requirement in the *Penrith Development Control Plan 2014* as a consequence of this application being received, however, informal overflow parking spaces is also available for use.

Therefore, it is considered appropriate that the overflow parking spaces be formalised, such that these parking spaces are sealed, linemarked and provided with landscaping. This will minimise parking and traffic flow impacts on the immediately surrounding area.

It is noted natural hazards affecting the site were assessed and addressed as part of the approved building and noise impacts were more recently assessed as part of a modification application to extend the hours of operation for the site, which raised no concerns

An assessment of the proposal under Section 4.15 of *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to recommended conditions.

Site & Surrounds

The subject site has a street address of 78 - 88 Tench Avenue, Jamisontown and is legally described as Lot 3 DP 30354. The site is located on the south-eastern side of Tench Avenue and is rectangular in shape, with a frontage of 131.16m and a land area of 3.34ha. The subject premises (Tenancy T6 + T7) forms part of an approved restaurant and cafe development and is located in the south-western part of building 2 (of 3). The premises has a combined gross floor area of 203m² in addition to 64m² of outdoor seating.

The site is situated within the Nepean River floodplain and is located directly opposite the boat ramp and associated car parking area which forms part of the larger open space network identified as Tench Reserve. The surrounding land uses are typically rural-residential on large land holdings

Proposal

The applicant seeks development consent for a fit-out and use as a 'Masala Kitchen' restaurant and associated signage at Tenancies T6 - T7 at 78 - 88 Tench Avenue, Jamisontown.

The development proposal involves the following:

- Kitchen, dining, bar and lighting fit-out;
- 3 x Business identification signs;
- Maximum capacity of 146 patrons including 74 dining seats, 26 bar seats and 46 outdoor dining seats;
- Maximum of 20 staff; and
- Hours of operation between 7:00am to 12:00am, Monday to Sunday.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 4.14 - Bushfire prone land assessment

The site is identified as bushfire prone land due to the vast green open space corridors adjoining the property. Although the rear portion of the subject premises is situated within a bushfire zone, the nearest vegetation is greater than 100m from the premises. Therefore, there is insufficient threat to warrant any specific construction requirements and the proposal raises no bushfire risk.

• Section 4.15 - Evaluation

The development proposal has been assessed in accordance with the matters for consideration under Section 4.15 of the EP&A Act, and having regard to those matters, the following issues have been identified for further consideration.

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

State Environmental Planning Policy No 64—Advertising and Signage

The proposed business identification signage is ancillary to the proposed fit-out and use as 'Massala Restaurant' and considered to be of a minor scale, which provides effective communication without compromising the visual quality and amenity of the immediately surrounding area. Given that the approved restaurant and cafe complex will accommodate various signage styles for other food and drink premises tenancies, it is considered that the proposed signage is of a suitable scale and design.

Schedule 1 (Assessment Criteria):

Criteria	Comments
1 Character of the area <ul style="list-style-type: none">• Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?• Is the proposal consistent with a particular theme for outdoor advertising in the area of locality?	The premises is a part of the restaurant and cafe complex which will contain various forms of business signage. Therefore, the proposal is compatible with the desired future character of the area.

<p>2 Special areas</p> <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>The site is not within or in close proximity to any environmentally sensitive areas, heritage areas, natural or other conservation areas, waterways or rural landscapes. The proposed signage will not be of minimal view from adjoining residential properties.</p>
<p>3 Views and vistas</p> <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	<p>The proposed signage will not obstruct any important views or vistas and is not within a skyline view, nor will it compromise other business identification signage on the site</p>
<p>4 Streetscape, setting or landscape</p> <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<p>The scale and design of the proposed signage is in proportion to the size of the building on the site. The proposal does not require any vegetation management as a result of the proposed modifications.</p>
<p>5 Site and building</p> <ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The proposed signage is integrated with the building facades and will be installed according to manufacturer and engineering requirements.</p>
<p>6 Associated devices and logos with advertisements and advertising structures</p> <ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>The illuminated signage will not result in overbearing glare or safety hazards to oncoming motorists or pedestrians.</p> <p>The proposed sign will be installed according to manufacturer and engineering requirements.</p>
<p>7 Illumination</p> <ul style="list-style-type: none"> Would illumination result in unacceptable glare? Would illumination affect the safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew 	<p>The illuminated signage will not result in overbearing glare or safety hazards to oncoming motorists or pedestrians.</p>

8 Safety <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	The proposed signage that will be visible from the streetscape is provided with a generous front setback and is not considered likely to reduce safety for local traffic or pedestrians.
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Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 5.10 Heritage conservation	N/A
Clause 7.2 Flood planning	Complies
Clause 7.5 Protection of scenic character and landscape values	Complies - See discussion

Clause 7.5 Protection of scenic character and landscape values

The development proposal includes a small business identification sign that will be visible from street view. The proposed signage is not considered to detract from the scenic values and is considered to be of minimal visual impact on the immediately surrounding area.

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

It is noted that both the *Draft Environmental SEPP* and *Draft Remediation Land SEPP* are at present applicable to the subject site, but while so, does not affect or alter the recommendations of this report.

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

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	N/A
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	N/A
C5 Waste Management	Complies
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
C9 Advertising and Signage	Complies
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies - see Appendix - Development Control Plan Compliance
E13 Riverlink Precinct controls	Complies

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applicable to the development proposal.

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

The relevant prescribed conditions under the Regulations, such as the requirement for compliance with the Building Code of Australia and fire safety requirements, will be imposed as conditions of consent. Subject to the recommended conditions of consent, as recommended by Council's Building Surveyor, the development proposal complies with the requirements under Section 143 of *Environmental Planning and Assessment Regulation 2000*.

The development application has been notified, exhibited and advertised in accordance with the requirements of the regulations.

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

Under Section 4.15(1)(b) of the EP&A Act, consideration must be given to the likely impacts of the development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

The development proposal is for a fit-out and tenancy use as food and drink premises for a previously approved restaurant and cafe complex. As such, the proposed use is not considered to result in any significant impacts as initially assessed in relation to the building, including noise impacts and parking and traffic impacts. Further, the proposed signage is of a minor scale and not considered to result in any visual impacts on the streetscape.

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

The proposal is of a small scale and is a permissible land use in the SP3 Tourist zone. The site has access to sufficient facilities and services. In consideration of the nature and scale of the development, the development proposal will not result in any adverse impacts on the surrounding natural and built environments, including local traffic flows. The natural hazards affecting the site raises no concern, noting that a flood evacuation plan is in place as part of the restaurant and cafe complex. The site is therefore suitable for the proposal.

Section 79C(1)(d) Any Submissions

Community Consultation

In consideration of the minor scale and nature of the development proposal, notification of the application was not considered warranted in accordance with Appendix F4 - Notification and Advertising of the *Penrith Development Control Plan 2014*.

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
Environmental - Public Health	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions

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

In consideration of the nature and scale of the development proposal, in addition to the proposed modifications being compliant with the applicable development controls, the health and safety of the public will not be adversely affected and therefore the development will not generate any significant issues of public interest. Further, no public submissions were received in relation to the proposal.

Section 94 - Developer Contributions Plans

Section 7.11 Development Contributions is not applicable to the development proposal.

Conclusion

In assessing this application against the relevant environmental planning policies, including *Penrith Local Environmental Plan 2010*, *Penrith Development Control Plan 2014*, *State Environmental Planning Policy No 64—Advertising and Signage* and *Sydney Regional Environmental Plan No.20—Hawkesbury Nepean River*, the development proposal satisfies the aims, objectives and provisions of these policies. The proposal does not contravene any development controls and is unlikely to have any significant impacts on the natural, social or economic environments. The site is suitable for the development and the proposal is in the public interest. Therefore, the application is worthy of support and is recommended for approval, subject to conditions.

Recommendation

That DA19/0615 for a fit-out and use as a restaurant and associated signage at Tenancy T6 - T7, 78 - 88 Tench Avenue, Jamisontown be approved subject to the attached conditions.

General

1 [A001 - Approved plans table](#)

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

Drawing Title	Prepared By	Reference No.	Dated	Revision
Site Plan	Brad Ward Design	MKP-000	01-08-19	A
Proposed Floor Plan	Brad Ward Design	MKP-001	07-08-19	B
Kitchen / Bar Plans	Brad Ward Design	MKP-002	07-08-19	B
Reflected Ceiling Plan	Brad Ward Design	MKP-003	01-08-19	A
Floor Finishes Plan	Brad Ward Design	MKP-005	01-08-19	A
Hydraulics Layout Plan	Brad Ward Design	MKP-004	07-08-19	B
Wall Setout Plan	Brad Ward Design	MKP-006	01-08-19	A
External Signage Details	Brad Ward Design	MKP-007	19-08-19	C
Elevation A - Shopfront	Brad Ward Design	MKP-100	25-07-19	A
Section B	Brad Ward Design	MKP-101	01-08-19	A
Section C	Brad Ward Design	MKP-102	01-08-19	A
Section D	Brad Ward Design	MKP-103	01-08-19	A

Documents:

- Waste Management Plan prepared by Morson Group, dated 21 August 2019.

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 [A019 - Occupation Certificate](#)

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

A satisfactory inspection from an authorised officer of Council's Environmental Health Department is required prior to the issue of the Occupation Certificate. The occupier is to contact the Environmental Health Department to organise an appointment at least 72 hours prior to the requested inspection time.

4 [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 issuing of the occupation certificate and operation of the business.

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

The approved operating hours are from 7am to 12am, 7 days a week.

6 [A030 - No retail sales](#)

No retail sale of goods shall be conducted from the subject premises.

7 [A032 - Goods in buildings](#)

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

8 [A039 - Graffiti](#)

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

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

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

10 [A Special \(BLANK\)](#)

Outdoor furniture shall be provided in a location that does not obstruct pedestrians utilising the pedestrian accessway.

11 [A Special \(BLANK\)](#)

The approved signage shall not be fitted with any flashing or moving lights or elements and shall not distract passing motorists or impact on visual amenity.

Environmental Matters

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

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

13 **D010 – Appropriate disposal of excavated or other waste**

All 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.

14 **D014 - Plant and equipment noise**

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

15 **D026 - Liquid wastes**

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

16 **D030 - Air handling system**

Any liquid discharge from the air handling system, resulting from operation, maintenance and/or cleaning operations, are to be disposed of into the sewer system. Discharge into the stormwater disposal system is not permitted.

BCA Issues

17 **E01A - BCA compliance for Class 2-9**

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

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

(b) formulating an alternative solution which:

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

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

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

Health Matters and OSSM installations

18 **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*.

19 **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 AS 1668 Parts 1 & 2.

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

The exhaust hood must completely cover the equipment to be ventilation 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 Occupation Certificate, and operation of the business, the exhaust system shall be certified by an appropriately qualified person to comply with the Building Code of Australia and AS 1668 Parts 1 & 2. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Penrith City Council is not the Principal Certifying Authority.

20 **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.

21 **F027 - Hand basins**

Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are 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.

22 **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.

23 **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.

24 **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.

25 **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.

26 **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.

27 **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.

28 **F036 - Service pipes**

Service pipes, electrical conduits, refrigeration condensate pipes shall be enclosed or chased into walls, floors or plinths. Where it can be demonstrated that this is not feasible pipes and conduits fixed on brackets, providing a minimum of 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.

29 **F039 - Fly screens**

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

30 **F042 - Dishwasher**

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

31 **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.

32 **F045 - Food Prep Sink - clearance area**

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

33 **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 200 mm.

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

34 **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.

35 **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.

36 **F053 - Coolrooms – condensation**

Condensation from coolrooms and refrigeration motors must discharge to sewer via a tundish with air gap separation in accordance with Sydney Water requirements.

37 **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.

Utility Services

38 G002 - Section 73 (not for

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*.

Construction

39 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-site:

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

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

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

40 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 Penrith City Council, or
- alternatively, any other sewage management facility approved by Penrith City Council.

(b) 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.

41 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 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

42 K Special (BLANK)

Prior to the issue of an Occupation Certificate, the additional 108 spaces in the overflow parking areas (as shown on stamped approved plans for DA15/0335.01, by Morson Group, Reference 14066, Issue 5, dated 23 March 2018) shall be sealed and linemarked for parking to provide overflow parking for this development. The continuation of landscaping shall be provided along the side boundaries, adjacent to the overflow parking spaces.

Certification

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

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

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

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 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*.

44 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 occupation/use of the development.

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

C5 Waste Management

C5.3.1 Site Management

The development proposal is expected to generate 2 x 660L bins of residual waste, 5 days per week and 1 x 1000L recycling bin once per week, which is to be serviced by a private contractor. The waste is to be sorted and cleared daily after service to be temporarily stored in the designated complex bin area then removed by an external waste collection contractor service, which is deemed satisfactory.

C10 Transport, Access and Parking

C10.5 Parking, Access and Driveways

It is noted that parking and traffic for the restaurant and cafe complex (DA15/0335) was assessed and considered satisfactory, also noting that there was a shortfall of parking spaces and that a condition of consent was recommended in regard to foreseeing the requirement for overflow parking for future applications. In this regard, a condition of consent is recommended to seal and linemark the overflow parking spaces at the rear of the car parking area to ensure that there will be sufficient parking spaces for the development, as advised by Council's Traffic Engineer.

C12 Noise and Vibration

C12.4. Industrial and Commercial Development

It is noted that the most recent modification application (DA15/0335.03) for the operation of the tenancies on the subject site approved an extension of hours of operations between 7am to 1am. Monday to Sunday. This included a noise impact assessment which was reviewed and endorsed by Council's Environmental Management Unit. Therefore, the proposed hours of operation from 7am to 12am, daily raises no concerns in this regard.

C13 Infrastructure and Services

C13.2 Utilities and Service Provision

It is noted that development proposal does not make provision for any toilets for the premises. However, the restaurant and cafe complex includes purpose built communal toilets on the ground floor that were considered as part of the building design and is considered satisfactory to service the proposal.