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| --- | --- |
| **SWCPP Ref. No.:** | PPSSWC-124 |
| **DA No.:** | DA20/0858 |
| **PROPOSED DEVELOPMENT:** | Construction of a part nine storey and part five storey mixed use building comprising a public car park with 686 spaces, four storeys of office premises with a ground floor lobby and associated car parking, a multi-purpose community space on part of the ground floor, a public park on level 5, and associated demolition, tree removal, public domain, road works and servicing arrangements. |
| **PROPERTY ADDRESS:** | 99a Henry Street, Penrith, Penrith (Soper Place Carpark) |
| **PROPERTY DESCRIPTION:** | Lot 1 Deposited Plan (DP) 1265105  Part of Lot 11 DP854412  Soper Place, public road |
| **ASSESSING OFFICER:** | Stephen Kerr, Consultant Planner, Gyde Consulting  Olivia Page, Consultant Planner, Gyde Consulting |

Conditions

**General Matters**

1. The development must be implemented substantially in accordance the following stamped approved plans and supporting information received with the application, except as may be amended by the following conditions within this consent:-

| **Plan No.** | **Plan Title** | **Prepared By** | **Revision** | **Date** |
| --- | --- | --- | --- | --- |
| DA02 | Site Analysis Plan | Durbach Block Jaggers | F | 12.12.22 |
| DA03 | Site Plan | Durbach Block Jaggers | D | 12.08.22 |
| DA04 | Basement | Durbach Block Jaggers | D | 12.08.22 |
| DA05 | Ground Floor | Durbach Block Jaggers | D | 12.08.22 |
| DA06 | Level 1 | Durbach Block Jaggers | D | 12.08.22 |
| DA07 | Level 2 | Durbach Block Jaggers | D | 12.08.22 |
| DA08 | Level 3 | Durbach Block Jaggers | D | 12.08.22 |
| DA09 | Level 4 | Durbach Block Jaggers | D | 12.08.22 |
| DA10 | Level 5 (Commercial L1) | Durbach Block Jaggers | D | 12.08.22 |
| DA11 | Level 6 (Commercial L2) | Durbach Block Jaggers | D | 12.08.22 |
| DA12 | Level 7 (Commercial L3) | Durbach Block Jaggers | D | 12.08.22 |
| DA13 | Level 8 (Commercial L4) | Durbach Block Jaggers | D | 12.08.22 |
| DA14 | Level 9 (Roof Plant) | Durbach Block Jaggers | D | 12.08.22 |
| DA15 | Roof | Durbach Block Jaggers | D | 12.08.22 |
| DA16 | South and West Elevations | Durbach Block Jaggers | D | 12.08.22 |
| DA17 | North and East Elevations | Durbach Block Jaggers | D | 12.08.22 |
| DA18 | Section A + B | Durbach Block Jaggers | D | 12.08.22 |
| DA19 | Sections C + D | Durbach Block Jaggers | D | 12.08.22 |
| DA21 | External Materials Schedule | Durbach Block Jaggers | D | 12.08.22 |
| DA22 | Photomontage Woodriff Street | Durbach Block Jaggers | D | 12.08.22 |
| DA23 | Photomontage Lawson Street | Durbach Block Jaggers | D | 12.08.22 |
| DA10 | Landscape Ground Level Plan | Sue Barnsley Design | B | 11.08.22 |
| DA11 | Typical Façade Planters Level 03-04 | Sue Barnsley Design | B | 11.08.22 |
| DA12 | Level 05 Plan | Sue Barnsley Design | B | 11.08.22 |
| DA13 | Typical Façade Planter Level 06-08 | Sue Barnsley Design | B | 11.08.22 |
| DA14 | Level 09 Plan | Sue Barnsley Design | A | 11.08.22 |
| DA15 | Roof Plan | Sue Barnsley Design | A | 11.08.22 |
| DA20 | Section A-A + B-B | Sue Barnsley Design | B | 11.08.22 |
| DA21 | Section C-C | Sue Barnsley Design | B | 11.08.22 |
| DA22 | Section D-D | Sue Barnsley Design | B | 11.08.22 |
| DA23 | Section E-E | Sue Barnsley Design | B | 11.08.22 |
| DA30 | Ground Level – Planting Plan | Sue Barnsley Design | B | 11.08.22 |
| DA31 | Typical Façade Planters level 03-04 | Sue Barnsley Design | B | 11.08.22 |
| DA32 | Level 05- Planting Plan | Sue Barnsley Design | A | 11.08.22 |
| DA33 | Typical Façade Planters Level 06-08 | Sue Barnsley Design | A | 11.08.22 |
| DA34 | Level 09- Planting Plan | Sue Barnsley Design | A | 11.08.22 |
| DA35 | Roof – Planting Plan | Sue Barnsley Design | A | 11.08.22 |
| DA36 | Preliminary Plant Schedule | Sue Barnsley Design | A | 11.08.22 |
| DA40 | Typical Planting Details – On Ground | Sue Barnsley Design | B | 11.08.22 |
| DA41 | Typical Planting Details | Sue Barnsley Design | B | 11.08.22 |
| DA50 | Preliminary Management Strategy | Sue Barnsley Design | B | 11.08.22 |
| DA60 | Ground Level – Irrigation Plan | Sue Barnsley Design | A | 11.08.22 |
| DA61 | Typical Façade Planters 03-04 - Irrigation Plan | Sue Barnsley Design | A | 11.08.22 |
| DA62 | Level 05 - Irrigation and Drainage Plan | Sue Barnsley Design | A | 11.08.22 |
| DA63 | Typical Façade Planters Level 06-08 – Irrigation Plan | Sue Barnsley Design | A | 11.08.22 |
| DA64 | Level 09 – Irrigation Plan | Sue Barnsley Design | A | 11.08.22 |
| DA65 | Roof – Irrigation Plan | Sue Barnsley Design | A | 11.08.22 |
| ENS-CV-021 | Sediment and Erosion Control Plan | Enstruct | 3 | 10.08.22 |
| ENS-CV-031 | Sediment and Erosion Control Plan | Enstruct | 3 | 10.08.22 |
| ENS-CV-041 | Stormwater Plan | Enstruct | 4 | 23.08.22 |
| ENS-CV-051 | Drainage General Details | Enstruct | 1 | 10.08.22 |
| LDA03 | Concept Design (Landscaping Northern Development Lot) | Penrith City Council | A | 24.11.22 |
| LDA05 | Planting and Precedents | Penrith City Council | A | 24.11.22 |
| AG1491-26-v15.dwg  Sheet AG01 | Concept Plan  PHC Parking | Ason Group | - | 10.02.23 |
| AG1491-26-v15.dwg  Sheet AG02 | Concept Plan – Walking Paths  PHC Parking | Ason Group | - | 10.02.23 |
| AG1491-26-v15.dwg  Sheet AG03 | Swept Path Assessment  PHC Parking | Ason Group | - | 10.02.23 |
| AG1491-26-v15.dwg  Sheet AG04 | Swept Path Assessment  PHC Parking | Ason Group | - | 10.02.23 |
| AG1491-26-v15.dwg  Sheet AG05 | Swept Path Assessment  PHC Parking | Ason Group | - | 10.02.23 |
| AG1491-26-v15.dwg  Sheet AG06 | Swept Path Assessment  PHC Parking | Ason Group | - | 10.02.23 |
| AG1491-26-v15.dwg  Sheet AG07 | Swept Path Assessment  PHC Parking | Ason Group | - | 10.02.23 |

| **Report / Document Title** | **Prepared By** | **Date** |
| --- | --- | --- |
| Services Management Plan (P1491r05v09) | Ason Group | 21.12.22 |
| Consolidated Detailed Site Investigation (64118/148711 Rev 2) | JBS&G | 13.12.22 |
| Remediation Act Plan (64118/148750 Rev 1) | JBS&G | 09.12.22 |
| Waste Management Report (Rev 6) | Enstruct Group | 22.11.22 |
| Transport Assessment (Ref: 1491r05v02) | Ason Group | 29.09.22 |
| Crime Risk and Prevention Through Environment Design (CPTED) Consultancy | Harris Crime Prevention Services | August 2022 |
| Development Application Report Covering WSUD, Flood & Stormwater Management, and Sediment and Erosion Control (Rev 04) | Enstruct Group | 11.08.22 |
| Geotechnical Investigation (Ref: JG17070A-r1) | GeoEnviro Consultancy Pty Ltd | 30.11.17 |
| Addition Geotechnical Investigation (Ref: JG17070A-r2) | GeoEnviro Consultancy Pty Ltd | 30.05.19 |
| Geotechnical Investigation and Monitoring Report | Alliance Geotechnical Pty Ltd | 17.12.19 |
| Pedestrian Wind Comfort Assessment | Wind Engineering Consultants | 12.08.22 |
| Sustainability Report (Rev 4- Final) | Norman Disney & Young | 12.08.22 |
| Acoustic Services Report (Rev 6.1) | Norman Disney & Young | 11.08.22 |
| Arboricultural Impact Assessment (AIA) & Tree Protection Plan (TPP) (Version 2) | Tree Survey | 04.08.22 |
| Public Art Strategy | Overton Creative | July 2022 |
| Natural Ventilation Assessment | Cermak Peterka Petersen | August 2022 |
| Car Park Ventilation Assessment (Rev 1) | Norman Disney & Young | 09.08.22 |
| Construction Soil and Asbestos Management Plan (60055/134356 Rev A) | JBS&G | 09.12.20 |
| Pedestrian Facility Assessment (Ref: 1491tn01) | Ason Group | 09.08.22 |

1. **Endeavour Energy –** Those acting on the consent are to ensure that the development remains compliant with the concurrence requirements of Endeavour Energy as set out in the Endeavour Energy letter dated 7 October 2022 (CNR-17221)

* Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
* Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
* Application must be made for an asset relocation / removal to determine possible solutions to the developer’s requirements.
* Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.
* Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
* All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
* For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
* The construction of any building or structure connected to or in close proximity
* Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
* No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
* The incorporation of easements into to multiple / privately owned lots is generally not supported.
* The incorporation of easements into to multiple / privately owned lots is generally not supported.
* The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
* Electricity infrastructure should not be subject to flood inundation or stormwater runoff.
* Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
* Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
* Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.
* Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 ‘Protection of certain electricity works’ of the Electricity Supply Act 1995 (NSW).
* Development should avert the possible risk to health from exposure to emissions form electricity infrastructure such as electric and magnetic fields (EMF) and noise.
* Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
* Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
* The performance of the generation system and its effects on the network and other connected customers needs to be assessed.
* Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
* Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
* Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.

1. Prior to commencement of operation, a right of carriageway shall be created burdening Lot 11 DP854412 with respect to the four Penrith Community Health Centre parking spaces and loop road residing on Lot 1 DP 1265105 being Soper Place Carpark.
2. A Construction Certificate shall be obtained prior to commencement of any building works.
3. The development shall not be used or occupied until an Occupation Certificate has been issued.
4. The work must be carried out in accordance with the requirements of the National Construction Code 2022.
5. No approval is granted for installing signage on site apart from the temporary signage required during construction and the signage required under the conditions of this consent.
6. Design Integrity is to be maintained through all development approval stages. The Design Competition Jury must be reconvened to endorse construction plans and upon completion of the at the following stages:

* Prior to issue of Construction Certificate;
* Prior to issue of Occupation Certificate;
* Prior to lodgement of any section 4.55 modification application.

Written verification of design integrity from the Competition Design Jury must be provided to the appointed Certifying Authority at the above milestones.

1. Prior to the erection of any crane or any temporary construction structure at a height greater than the roof of the subject development, written notice shall be provided to Council and the Nepean Blue Mountains Local Health District at least 21 days prior to the erection, indicating at least the following:

* Name of responsible company and relevant contact details.
* Dimensions (height, length, etc.).
* Position and orientation of boom/jib and counter boom/jib.
* Length of time that such a crane or structure will be erected on site.
* The management plan and measures that will ensure that the crane or structure will be of least possible impact on flight operations for Ambulance NSW.

Any crane or any temporary construction structure erected at a height greater than the roof of the subject development shall comply with the following:

* Be equipped with medium intensity steady red lighting positioned at the highest point and both ends of the boom/jib and counter boom/jib, such that the lighting will provide an indication of the height of the crane and the radius of the crane boom/jib. Such lighting, which should be displayed at all times of the day and night, should be positioned so that when displayed it is visible from all directions.
* When a crane is unattended for an extended period of time ensure the crane’s boom is retracted and lowered as far as possible.
* No part of the crane or structure shall extend beyond the boundaries of the subject development site unless approved by Penrith City Council in consultation with the Nepean Blue Mountains Local Health District. Any encroachment beyond the boundaries of the subject site shall be the minimum amount required to facilitate construction and access all parts of the construction site.

1. With respect to development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor, the applicant must at their own expense:-

* protect and support any building, structure or work on adjoining land from possible damage from the excavation,
* if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

**Note**: These requirements do not apply if:-

* the person having the benefit of the development consent owns the adjoining land, or
* the owner of the adjoining land gives written consent to the condition not applying.

1. Regulatory obligations (including licensing and notification requirements) for the management, control and removal of asbestos are prescribed in the:

* Work Health and Safety Act 2011,
* Work Health and Safety Regulation 2017,
* SafeWork NSW Code of Practice How to Manage and Control Asbestos in the Workplace August 2019,
* SafeWork NSW Code of Practice How to Safely Remove Asbestos August 2019,
* Australian Standard AS2601-2001 The demolition of structures

Compliance with the above legislation is required and reference should be made to SafeWork NSW and to the Asbestos Policy Penrith City Council 2014.

All asbestos laden waste must be disposed of at a waste management facility licensed by the NSW Environment Protection Authority to receive asbestos waste.

1. Prior to the issue of a construction certificate, the relevant plans and documents referenced in condition 1 must be revised to the satisfaction of Council’s Development Services Manager to incorporate the recommendations in the Crime Prevention Through Environmental Design Report prepared by Harris Crime Prevention Services dated August 2022.
2. Lockable storage space for the basketball net, sporting items such as basketballs and activation equipment such as a BBQ provided on the ground floor.
3. All construction signage is to be removed when the Occupation Certificate has been issued for the development.

**Prior to Issue of a Construction Certificate**

1. **Prior to the issue of a construction certificate**, the following must be undertaken:
2. Services Management Plan (see condition 1) must be revised to incorporate the servicing of Penrith Community Health Centre, specifically:

* The waste collection vehicle, being 10.5 metres (HRV) in length and to be operated by Bingo Industries, will enter the Soper Place carpark site (Lot 1 DP 1265105) in a forward direction, then undertake an approximately 33 metre reverse manoeuvre across private land only, being Soper Place carpark site and the PCHC (Lot 11 DP 854412) into the existing on-grade PCHC carpark, undertake the waste collection and exit the carpark in the forward direction, driving southbound down the proposed extended Woodriff Street.
* Signage limiting the seven parking spaces on drawing AG1492-26-v12 AG02 prepared by Ason Group to Penrith Community Health clients only.
* Provision of bollards on the northern edge of the verge at the north-east corner of Lot 1 DP1265105 to deter pedestrian movement in the path of the waste collection vehicle during its serviced times.

Prepare detailed swept paths for the accessible parking spaces associated with PCHC to ensure compliance complies with AS2890.1 and .2

b) The approved Architectural Drawings, Landscape Drawings and Waste Management Report (see Condition 1) must be amended to incorporate the revisions to the Services Management Plan (see Condition 4(a)).

1. A baby care room shall be provided and designed in accordance with Penrith City Council’s Baby Care Rooms Development Control Plan 2002. Details are to be submitted to the appointed Certifier as **part of the Construction Certificate application**.
2. **Prior to the issue of a Construction Certificate**, details of any airhandling systems, hotwater systems, humidifying systems, warmwater systems and watercooling systems shall demonstrate compliance with the Public Health Act 2010, Public Health Regulation 2012, AS3666.2:2011 Airhandling and water systems of buildings – Microbial control Operation and maintenance and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease.

In addition, ayto be installed

1. **Prior to the issue of any Construction Certificate**, contributions are to be paid to Penrith City Council in accordance with the rates and terms of the Council’s adopted Section 7.11 Penrith City Centre Civic Improvement Plan. A calculation of contributions applicable and payable for the approved development is to be obtained from Penrith City Council’s Contributions Team prior to payment (noting that the rates are subject to quarterly reviews).
2. **Prior to the issue of any Construction Certificate**, a Construction Traffic Management Plan is to be prepared and approved by Council’s Traffic Engineering Department. The Plan shall include all details of any traffic control measures and the management of heavy vehicles servicing the Penrith Health Centre manoeuvring on the site. The Plan shall include, but not limited to, the provision of:

* Traffic controllers to provide oversight and manage heavy vehicles during their manoeuvring on the site.
* Management of pedestrians and ensure they are kept clear of any heavy vehicles servicing the site particularly during reversing manoeuvres.
* Details on how all persons involved in the construction of the development will be made aware that they must comply with the Construction Traffic Management Plan.

The Traffic Control Plan shall be implemented during the construction phase of the development and a copy of the plan shall be available on site at all times. .

1. **Prior to the issue of any Construction Certificate**, vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development is, to the satisfaction of the Certifier, in accordance with Penrith City Council’s Development Control Plan 2014 (Volume 1), AS2890.1 and AS2890.6.
2. 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 or Subdivision Works 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.

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

* Road and drainage works within Lawson Street and at the intersection with Soper Place, including but not limited to the provision of a Basic Right Turn treatment, kerbline and stormwater drainage adjustments, provision of a pedestrian refuge and any associated signage and linemarking
* Public domain upgrade works within Lawson Street and Soper Place in accordance with Penrith CBD Public Domain Technical Manual.

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council’s Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice.

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

1. Lodgement of relevant Section 138 Roads Act applications, including payment of application and Council 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).

You are required to lodge the applicable Section 138 Roads Act application for the below works that apply to your specific development prior to that work activity commencing. Please liaise with your builder to determine what applications are required for your development

These works may include but are not limited to the following:

1. Construction of driveways (including kerb reinstatement of redundant driveway crossings and reconstruction of any affected footpaths and/or cycleways)
2. Temporary road reserve occupancies
3. Road reserve openings for the installation of:
   1. Utilities (water, sewer, power, telecommunications)
   2. Private stormwater connections to the kerb (including stormwater connection to Penrith City Council owned drainage)
   3. Reconstruction of concrete footpath and/or cycleways across the frontage
4. Establishment of a construction work zone
5. Establishment of road reserve hoardings and temporary structures/fencing etc.
6. Operation of a tower crane over the road reserve
7. Temporary ground anchors that encroach below the road reserve (for basement construction)

All works shall be carried out in accordance with the Roads Act Approval and the conditions outlined in the Roads Act Applications, the development consent, including the stamped approved plans, and Penrith City Council’s Driveway and Road Reserve Restoration Works Specification, guidelines and engineering best practice.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council’s website for more information.

Note:

* Separate approval may be required from Transport for NSW for classified roads
* All works associated with the Roads Act approval(s) must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

On completion of any awning over the road reserve, a certificate from a practicing structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

1. **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council’s Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Enstruct listed in Condition 1. 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.

1. **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3 Plumbing and Drainage – Stormwater Drainage.

**In addition and prior to the issue of any Construction Certificate or Subdivision Works Certificate**, the following design considerations and amendments must be addressed, submitted to and approved by Council’s Engineering Services Department:-

1. **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that the foundations of proposed structures adjoining the drainage and/or services easement have been designed clear of the zone of influence.
2. **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Penrith City Council's Development Control Plan, AS2890.1, AS2890.2 and AS2890.6.
3. **Prior to the issue of a Construction Certificate**, a geotechnical investigation report and strategy shall be submitted to the Certifier to ensure the stability of any adjoining Council owned infrastructure and surrounding developments. The geotechnical investigation, report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by the Roads and Maritime Services.
4. **Prior to the issue of a Construction Certificate**, design details demonstrating compliance with the Design and Building Practitioners - Particulars for Regulated Designs Order 2022 are to be provided to the satisfaction of the Certifying Authority, for any excavation, shoring and anchoring works that will need to traverse a property boundary.
5. **Prior to the issue of the Construction Certificate**, further details on the type and location of all mechanical plant and equipment associated with the development is to be provided to Council for consideration and approval. Suitable data and information on the noise impacts associated with this plant and equipment is also to be supplied to demonstrate compliance with the established noise criteria.

**Prior to Issue of Subdivision Works Certificate**

1. A Subdivision Works Certificate is to be approved by the Certifier for the following civil and roadworks associated with required subdivision and public road dedication:

* Realignment and extension of existing Soper Place to be a one - way westbound local road adjoining the southern boundary of the site.
* Extension of Woodriff Street to the north of the intersection with Soper Place to be a one - way southbound local road adjoining the western boundary of the site.
* Provision of stormwater drainage infrastructure including 2 x raingardens
* Public domain upgrade works within Soper Place and Woodriff Street in accordance with Penrith CBD Public Domain Technical Manual.
* Alterations of existing Soper Place Car Park west of the site in accordance with the design plans prepared by Penrith City Council, reference AA000, revision 1, dated 11/8/22.

Prior to the issue of any Subdivision Works Certificate, the Certifier shall ensure that engineering plans are consistent with the stamped approved plan/s prepared by Durbach Block Jaggers, reference number DA05, revision D, dated 12/8/22 and the Transport Report prepared by Ason Group, reference number 1491r05v02, revision 02, dated 29/09/22 and that all civil and roadworks have been designed in accordance with the development consent, Penrith City Council’s Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

The Subdivision Works Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

Note:

* Council’s Development Engineering Department can provide this service. Contact Penrith City Council's Development Engineering Department on 4732 7777 to obtain a formal fee proposal prior to lodgement and visit Penrith City Council’s website for more information.

**Prior to Works Commencing**

1. 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 onsite, and
* in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

1. **Prior to the commencement of any excavation works**, a pre-construction dilapidation report is to be prepared and submitted to Council. The report is to record and detail the existing state of surrounding assets and structures including those located on adjacent private property and the public domain.
2. **Prior to carrying out any development on-site, apart from remediation works**, an Asbestos Management Plan is to be prepared in accordance with the recommendations of the approved Remediation Action Plan prepared by JBS&G (dated 9 December 2022, ref 64118/148750 Rev 1) and is to be submitted to Council for review.

The Asbestos Management Plan is to provide suitable management procedures and methods to be implemented to ensure that asbestos containing materials are managed in a manner that minimises both human and environmental health impacts if encountered during the operational phase of the proposed development.

The approved Asbestos Management Plan is to be complied with at all times during the operational phase of the development.

1. All onsite waste collection infrastructure, doors and access points (Waste Collection Room) are to be locked through Councils Abloy Key System. The lock system number is 5OL092 and can be arranged through Olympic Lock Smiths. Address: Unit 28/56 Buffalo Road, Gladesville NSW 2111. Phone: 1300 303 045

All onsite waste collection infrastructure (Waste Chute Room, Waste Collection Room, Bulky Household Waste Collection Room and Loading bay) are to provide wash facilities through the use of a centralised mixing valve and hose cock. Respective drainage and water proofing to be installed to support the use of hose facilities.

The provision of regulatory signage at the property frontage “No Parking” (R5445 or R5447 modified). This is to allow for the swept path of the waste collection vehicles to manouvere entry and exit of the building with free access. A sign plan is to be submitted identifying the location of the parking restrictions to be endorsed by Council’s Local Traffic Committee and adopted by Council prior to implementation. (The Local Traffic Committee sits once per month which may delay finalisation of the plans).

A Plan of Management outlining the responsibility of building caretaker in conjunction with the property owner in coordinating:

* the waste management service between tenancies
* movement of waste and recyclables from each tenancy to the waste collection room
* placement of waste and recycling into the appropriate bins
* cleaning of waste infrastructure, storage areas and loading bay
* collection of contributions from each tenancy toward the waste services costs and
* payment of waste services costs.

1. Garbage rooms within buildings shall have masonry walls with smooth face cement rendering to the full height internally and be provided with a smooth concrete floor. The floor shall be graded and drained to a floor waste connected to the sewer that shall be charged with a suitably located cold water hose cock. Access doors to the garbage store shall be tight fitting solid core or of non-combustible construction.
2. **Prior to works commencing (subject of a subdivision works certificate)**, a signage and line marking plan showing the proposed signage and line marking on the roads surrounding the development as well as the residual Soper Place car park shall be designed to the satisfaction of Council’s Engineering Services Department. The applicant shall:

* Submit the signage and line marking plan for approval by Council’s Local Traffic Committee prior to implementation and installed at no cost to Council.
* Undertake consultation with surrounding properties adjacent to proposed signage and line marking/road layout changes prior to presenting the plans to the Local Traffic Committee so that any objections to the proposed signage and line marking plan can be considered by the Local Traffic Committee and Council.
* Submit a road safety audit of the design plans. Any safety matters identified by the audit are to be addressed prior to submission to Council’s Local Traffic Committee.

In addition, a design for pedestrian crossing facilities at the intersection of Woodriff Street and Soper Lane and for the north/south desire line at the Lawson Street and Soper Lane intersection shall be designed to the satisfaction of Council’s Engineering Services Department. The pedestrian crossing facility design must also be submitted and approved by Council’s Local Traffic Committee prior to implementation and installed at no cost to Council.

**During Works**

1. -
2. Dust suppression techniques are to be employed during demolition and construction to reduce any potential nuisances to surrounding properties.
3. Mud and soil from vehicular movements to and from the site must not be deposited on the road.
4. Demolition works will 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 do not involve external walls or the roof, and do 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.

1. 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.

The approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction phase of the development until the landscaping, driveway and onsite parking areas have been completed for the development. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

1. Following competition of remediation works approved as part of this consent, and prior to carrying out of any other development on site, the following must be complied with:

* A certificate must be obtained from an accredited site auditor under the Contaminated Land Management Act 1997 certifying that the site has been remediated and is suitable for the development, and
* A copy of the certificate has been provided to Council and/or the Principal Certifying Authority.

1. No fill material is to be imported to the site and no material recycled on site is to be used as fill on site without the prior written approval of Council.
2. 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 are to be fully enclosed when the site is unattended.
3. All excavated material and other wastes generated as a result of the development are to be reused, 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.

1. Noise levels from the development shall not exceed the relevant noise criteria detailed in the Acoustic Report prepared by Norman Disney & Young (dated 11 August 2022, Rev 6.1 DA Report for Information). The recommendations provided in the aforementioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The provisions of the *Protection of the Environment Operations Act* 1997 apply to the development, in terms of regulating offensive noise.

1. 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.

1. All mechanical plant and equipment are to comply with the noise criteria outlined in the Acoustic Report prepared by Norman Disney & Young (dated 11 August 2022, Rev 6.1 DA Report for Information).

**Prior to Issue of Subdivision Certificate**

1. **Prior to the issue of the Subdivision Certificate**, the following is to be submitted where the development seeks boundary adjustments or public road dedication:  
     
   An original plan of subdivision and associated administration sheets. The plan of subdivision must indicate, where relevant –

* All drainage easements, rights of way, restrictions and covenants.
* All proposed dedications of roads/drainage/public reserve, which are to be undertaken at no cost to Penrith City Council.

The following information is to be shown on one (1) copy of the plan.

* The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council’s resolutions.
* All existing services are wholly contained within the lot served and/or covered by an appropriate easement.

In the event that public road dedication is not pursued, the registration of a right of carriageway and easement for services on title is required for the works reflected within the subdivision works certificate determination.

**Prior to lodgement of the Subdivision Certificate Application, street address numbering must be obtained/approved by Penrith City Council by completing the Street Address Confirmation Application Form found on Council's website. Instructions for completion and submission are outlined on the form.**

1. A Surveyors Certificate is to be lodged with the application for a Subdivision Certificate that certifies that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
2. All services (water, sewer, electricity, telephone and gas) , including the provision of service conduits and stub mains (where applicable) are to be installed within the proposed public roads before final inspection of the engineering works.

Prior to the release of the linen plan, the following service authority clearances shall be obtained:

* a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. This is required prior to the issue of the Subdivision Certificate and
* a letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
* a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

These clearances are to be submitted to the Principal Certifying Authority.

**Prior to Issue of Occupation Certificate**

1. **Prior to the issue of any Occupation Certificate**, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.
2. **Prior to the issue of an occupation certificate**, a post construction dilapidation report is to be prepared that reassess the condition and state of surrounding assets and structures including those on adjacent private property and the public domain. Any damage identified as a consequence of the approved development is to be rectified at the expense of the applicant / developer.
3. A lighting system shall be installed for the development to provide uniform lighting across the development. 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).
4. **Prior to the issue of an Occupation Certificate**, the public art initiatives outlined within the Public Art Strategy (Referenced within Condition No. 1) are to be implemented and completed to the satisfaction of the Council.
5. **Prior to the issue of any Occupation Certificate**, all intersection upgrades surrounding the site which are identified as being required in the Transport Assessment prepared by Ason Group, Ref: 1491r05v02, dated 29/09/22, must be implemented by the applicant as part of the development, unless as otherwise agreed to in writing by Penrith City Council’s Engineering Services Manager or Director – Development and Regulatory Services.

Any request for reconsideration and agreement should be informed by revised traffic modelling undertaken by the applicant in consultation with Transport for NSW, and having regard to the scope and timing of broader traffic management infrastructure works planned to be undertaken by Penrith City Council in the Penrith City Centre. Such an agreement could be in the form of an Infrastructure Upgrade Plan that commits to specific infrastructure upgrades being delivered within a prescribed timeframe to address warrants identified within revised traffic modelling.

1. **Prior to the issue of an Occupation Certificate** the following is to be submitted to and approved by Penrith City Council:

* The developer is to enter into a formal agreement with Penrith City Council for the utilisation of Councils Waste Collection Service. This is to include Council being provided with indemnity against claims for loss and damage.

**Note**: By entering into an agreement with Council for Waste Collection, the development will be required to operate in full compliance with Penrith City Councils Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Councils waste collection service will not commence until formalisation of the agreement.

Councils bin infrastructure and collection service will be provided/commenced for the development upon the completion of all onsite waste collection infrastructure and the attainment of an Occupation Certificate.

1. **Prior to the issue of an Occupation Certificate**, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council’s Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

1. **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):

* Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
* Have met the design intent with regard to any construction variations to the approved design.
* Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

1. **Prior to the issue of any Occupation Certificate**, a restriction on the use of land and positive covenant relating to the:

a) Stormwater management systems (including onsite detention and water sensitive urban design) shall be registered on the title of the property. The restriction on the use of land and positive covenant shall be in Penrith City Council's standard wording as detailed in Council’s Stormwater Specification for Building Developments Appendix F.

1. **Prior to the issue of any Occupation Certificate**, entry and exit signage which is clearly visible from the public road shall be placed within the development site.

The signage shall indicate that the western vehicular access within Soper Place is to be used for ingress purposes only and appropriately signposted "Entry Only". The eastern vehicular access within Soper Place and vehicular access within Lawson Street is to be used for egress purposes only and appropriately signposted "No Entry".

In addition directional signage and line marking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifier.

1. **Prior to the issue of any Occupation Certificate**, a Maintenance Bond is to be lodged with Penrith City Council for road and drainage works within Lawson Street.

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

Note:

* Contact Penrith City Council’s Development Engineering Department on 4732 7777 for further information relating to bond requirements.

1. **Prior to issue of an Occupation Certificate**, a Public Room Management Plan is to be prepared to the satisfaction of Council.
2. **Prior to the issue of an Occupation Certificate**, all roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required for the development must be implemented.
3. **Prior to the issue of an Occupation Certificate**, the community infrastructure described in the Community Infrastructure Offers, dated 26 September 2022 and 11 August 2022, must be implemented.
4. **Prior to the issue of an Occupation Certificate**, cooling towers and warm water systems are to be registered with Penrith City Council by completing the registration form for regulated systems. This form is to be returned to Council prior to the issuing of the occupation certificate and operation of the system. Unique Identification numbers will be issued by Council for each cooling tower once registered. The occupier must clearly display the unique identification number on each cooling tower within 30 days of receiving the number.

The occupier of premises at which a watercooling system or warmwater system is installed must notify Council using the NSW Ministry of Health Notification Form available from [www.health.nsw.gov.au](http://www.health.nsw.gov.au):

1. if the system is installed before he or she becomes the occupier, within one month after he or she becomes the occupier, or
2. if the system is installed after he or she becomes the occupier, within one month after the system is installed. The occupier of the premises must notify Council within 7 days of any change of details.

A certificate is also to be obtained certifying that the above system(s) have been installed in accordance with the Public Health Act 2010, Public Health Regulation 2012 and AS3666.1:2011

A risk assessment and Risk Management Plan (RMP) must be completed for each cooling tower in accordance with the Public Health Regulation before each system starts operating. Certification of the Risk Management Plan must be provided to Council within seven (7) days of the risk assessment. Consideration in the risk assessment needs to be given to the risk cooling towers pose to people utilising the rooftop garden.

The Occupier of the building must engage an Independent Auditor to conduct an Audit of Compliance with the RMP every year, and prepare a certificate of audit completion. The occupier is responsible for ensuring that a certificate of audit completion is provided to Council within 7 days.

1. **Prior to the issue of any Occupation Certificate or Subdivision Certificate**, the following compliance documentation shall be submitted to the Principal Certifier. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifier:

a) Works As Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Subdivision Works Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The WAE drawings shall be prepared in accordance with Penrith City Council’s Engineering Construction Specification for Civil Works.

b) The WAE drawings shall clearly indicate the 1% Annual Exceedance Probability flood lines (local and mainstream flooding).

c) CCTV footage in DVD format to Penrith City Council’s requirements and a report in “SEWRAT” format for all drainage identified as Council’s future assets. Any damage that is identified is to be rectified in consultation with Penrith City Council.

d) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council’s WSUD Technical Guidelines for handover of stormwater management facilities to Penrith City Council.

e) Surveyor’s Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries, private or public lands.

f) Documentation for all road pavement materials used demonstrating compliance with Penrith City Council’s Engineering Construction Specification for Civil Works.

g) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council’s Design Guidelines and Construction specifications. The report shall include:

* Compaction reports for road pavement construction.
* Compaction reports for bulk earthworks and lot regarding.
* Soil classification for all residential lots.
* Statement of Compliance.

1. **Prior to the issue of any Occupation Certificate**, aTraffic Management Plan is to be prepared and approved by Council’s Traffic Engineering Department. The Plan shall include all details of any traffic control measures and the management of heavy vehicles servicing the Penrith Health Centre manoeuvring on the site. The Plan shall include, but not limited to, the provision of:

* Traffic controllers to provide oversight and manage heavy vehicles during their manoeuvring on the site.
* Management of pedestrians and ensure they are kept clear of any heavy vehicles servicing the site particularly during reversing manoeuvres.
* Details on how drivers will be made aware that they must comply with the Operational Traffic Management Plan for the development.

The Traffic Control Plan shall be implemented during the construction phase of the development and a copy of the plan shall be available on site at all times.

**Operational Matters**

1. The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
2. The required sightlines around the driveway entrances are not to be compromised by landscaping, fencing or signage.
3. All car spaces are to be sealed/line marked and dedicated for the parking of vehicles only and not be used for storage of materials, products and waste materials.
4. Subleasing of the car parking associated with the commercial office premises is not permitted, unless to the tenant of the commercial office premises. No parking is permitted outside of marked parking spaces shown on the approved plans.
5. The stormwater management system shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

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

1. The outdoor garden on level 5 may have no greater than 200 people at any given time, and is to be accessible only during the hours of 6:00am to 8:00pm.