

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	22 March 2023
DATE OF PANEL DECISION	22 March 2023
DATE OF PANEL MEETING	27 February 2023
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Carlie Ryan, Ross Fowler, Tricia Hitchen, Glenn McCarthy all declared a conflict of interest as council is the applicant.

Papers circulated electronically on 9 December 2022.

MATTER DETERMINED

PPSSWC-124 – Penrith – DA20/0858 - 5-17 Lawson Street, Penrith

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, subdivision of a residual lot and associated demolition, tree removal, public domain and road works

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

DEVELOPMENT APPLICATION

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

Following the deferral of the matter on 2 November 2022, the Panel has been provided with two supplementary reports that address the matters for deferral relating to the following matters: an amended demolition plan; a landscape plan for the northern development lot; clarification on how the final design is substantially the same as the design which was the winner of the design competition; formal owner's consent for the proposed works on Lot 11 DP854412; additional contamination testing; and an updated services management plan, transport assessment and updated waste management plan.

The above matters were addressed by way of the provision of additional information in support of the DA on 25 November 2022. Council's Supplementary Memo of 9 December 2022 provided the Panel with an update on the status of each of the outstanding matters and outlined that further RFIs were sent to the applicant on 7 and 8 December 2022.

On 20 February 2023, an Addendum Report was provided to the Panel which confirmed that the outstanding matters raised at the Panel meeting on 2 November 2022 had been addressed through the provision of additional information or had been addressed by conditions of consent. In particular, the Panel

observes that the amended Consolidated Detailed Site Investigation and Remedial Action Plan now confirms that the land can be made suitable for the proposed use (as required by section 4.6 of the Resilience and Hazards SEPP) subject to implementation of the conditions of the RAP.

At the Panel meeting on 27 February 2022, the Panel raised several queries relating to the draft conditions of consent and the applicant also raised several issues with the proposed conditions as set out below. It was agreed that a revised set of conditions would be provided for the Panel's consideration.

With all of those matters now satisfactorily addressed, the Panel is satisfied that the scheme demonstrates design excellence and should be approved.

CONDITIONS

The original draft conditions supplied to the Panel were seen by the Panel to be problematic due to various drafting problems. The Panel responded separately through the Secretariat by email identifying the matters of concern.

A draft has now been furnished to the Panel by the Council's assessment staff which the Panel is advised is agreed to by the Council's project team. The Panel has reviewed that final draft of the conditions and is now satisfied that they sufficiently address all relevant matters.

It is on that basis that the Panel is satisfied that the DA ought to be approved subject to the conditions attached to this report.




CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel.

Seven unique submissions were made. The issues raised in the submissions pertaining to:

- access;
- traffic;
- servicing;
- built form;
- landscaping;
- dust;
- tree removal; and
- noise.

The Panel is satisfied that all of those issues raised have been addressed during the assessment of the application and can be resolved by conditions of consent.

PANEL MEMBERS	
Justin Doyle (Chair) 	Louise Camenzuli 
David Kitto 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-124 – Penrith – DA20/0858
2	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, subdivision of a residual lot and associated demolition, tree removal, public domain and road works
3	STREET ADDRESS	5-17 Lawson Street, Penrith
4	APPLICANT/OWNER	Penrith City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Penrith Local Environmental Plan 2010 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Precincts – Western Parkland City) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Penrith Development Control Plan 2014 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 25 October 2022 and Council Addendum Memo 9 December 2022 List any council memo or supplementary report received: 20 February 2023 Written submissions during public exhibition: 7 Total number of unique submissions received by way of objection: 7 Record of Deferral: 11 November 2022
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 19 April 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran <u>Council assessment staff</u>: Gavin Cherry, Robert Craig, Wendy Connell <u>Council Planning Consultant</u>: Rebecca Gordon

		<ul style="list-style-type: none"> • Applicant Briefing: 20 December 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli ○ <u>Council assessment staff</u>: Gavin Cherry, Robert Craig, Wendy Connell ○ <u>Council Planning Consultant</u>: Rebecca Gordon, Stephen Kerr ○ <u>Applicant representatives</u>: Andrew Moore, Schandel Foru, Sue Barnsley, David Jagers, Dora Choi, Michael McMahon • Applicant Briefing: 1 August 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran ○ <u>Council assessment staff</u>: Kathryn Saunders, Robert Craig, Wendy Connell, Peter Wood, Andrew Jackson ○ <u>Council Planning Consultant</u>: Stephen Kerr, Debrah Barr ○ <u>Applicant representatives</u>: Andrew Moore, Vanessa Weedon, Schandel Fortu, Krip a Vadakke, Dora Choi, Marco De Stefanis, Michael Jackson • Record of Deferral: 11 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Brian ○ <u>Council assessment staff</u>: Gavin Cherry, Robert Craig ○ <u>Council Planning Consultant</u>: Olivia Page • Final briefing to discuss assessment recommendation: 27 February 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Brian Kirk ○ <u>Council assessment staff</u>: Gavin Cherry, Robert Craig ○ <u>Council planning consultant</u>: Oliva Page
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

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 Jagers	F	12.12.22
DA03	Site Plan	Durbach Block Jagers	D	12.08.22
DA04	Basement	Durbach Block Jagers	D	12.08.22
DA05	Ground Floor	Durbach Block Jagers	D	12.08.22
DA06	Level 1	Durbach Block Jagers	D	12.08.22
DA07	Level 2	Durbach Block Jagers	D	12.08.22
DA08	Level 3	Durbach Block Jagers	D	12.08.22
DA09	Level 4	Durbach Block Jagers	D	12.08.22
DA10	Level 5 (Commercial L1)	Durbach Block Jagers	D	12.08.22
DA11	Level 6 (Commercial L2)	Durbach Block Jagers	D	12.08.22
DA12	Level 7 (Commercial L3)	Durbach Block Jagers	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	Concept Plan – Walking Paths PHC Parking	Ason Group	-	10.02.23

Sheet AG02				
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

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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

2. **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.
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- 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 from 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.

~~3. Subdivision to create the northern development (residue land) is not approved. This land is to landscape in accordance with Northern Development Lot Landscape Plan prepared by Penrith City Council dated 24 November 2022.~~

~~Prior to the issue of a construction certificate, the following must be done to the satisfaction of Council:~~

~~4. (a) The Services Management Plan (see condition 1) prepared by Ason Group dated 21 December 2022 is to be amended and submitted to Council for approval to: 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.~~

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~~• 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~~

~~5. b) The approved Architectural Drawings, Landscape Drawings and Waste Management Report listed in (see Condition 1) are must to be amended to reflect the amended incorporate the revisions to the Services Management Plan required by Condition 4.(see Condition 4(a)).~~

~~6-3. 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.~~

~~7-4. A Construction Certificate shall be obtained prior to commencement of any building works.~~

~~8-5. The development shall not be used or occupied until an Occupation Certificate has been issued.~~

~~9-6. The work must be carried out in accordance with the requirements of the Building Code of Australia National Construction Code 2022. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.~~

~~10. Prior to occupation of the building or a tenancy within the building, a separate development approval is to be obtained from Penrith City Council to use the building or each tenancy within the building/complex.~~

~~11-7. A separate development application for a detailed signage strategy is to be submitted to and approved by Penrith City Council prior to the erection of any signage, as no signage is approved as part of this application. The required signage strategy is to detail the locations, dimensions and advertising content proposed within the development and must demonstrate that the scale, nature and number of signs are proportionately appropriate to the development in accordance with Penrith Development Control Plan 2014. 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.~~

~~12-8. Design Integrity is to be maintained through all development approval stages. The Design Competition Jury will 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.~~

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Written verification of design integrity from the Competition Design Jury must be provided to the appointed Certifying Authority at the above milestones.
In accordance with Clause 8.7 of the Penrith Local Environmental Plan 2010, the community infrastructure detailed in the Community Infrastructure Offer dated 26 September 2022 and 11 August 2022 are to be delivered. 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 to the satisfaction of Council.

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13.9. 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.

14.10. 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.

~~15. Prior to the commencement of any excavation works, a 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.~~

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~~16. The existing site improvements on Lot 1 DP1265105, part Lot 11 DP854412 and Soper Place public road, as indicated on drawing DA02 Site Analysis Plan prepared by Durbach Block and Jagers 12 December 2022, is to be demolished as part of the approved work.~~

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17.11. 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.

~~18. 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. To ensure compliance with Crime Prevention Through Environmental Design Principles, the following revisions are required by the CPTED report prepared by Harris Crime Prevention Services dated August 2022:~~

~~12.~~

- ~~• the design of the multi-purpose facility's change room shall be revised to provide improved connectivity with ground level parking and to the off-street, two-way lift lobby to better define wayfinding legibility and user safety~~
- ~~• improve connectivity and sightlines between change rooms, the Soper Street lift lobby and adjacent corridors~~
- ~~• confirm disability access to the Soper Place lifts, to designated parking bays and to movement to and from change room facilities~~
- ~~• ensure secure location of, and access to, plant and associated infrastructure, the loading area, waste storage, waste collection and general storage areas through the Plan of Management~~
- ~~• all internal and external wayfinding and surveillance lighting by LED with a 4,000-Kelvin colour temperature rating. All luminaires should be sufficiently beam angled to maximise throw, spill and (where appropriate) wash, eliminating shadowing and dark gaps~~
- ~~• bollards should not be considered for any external lighting within or around the carpark~~
- ~~• landscaping should:~~
 - ~~○ eliminate possible concealment or entrapment within or around plantings,~~
 - ~~○ maximise sightline continuity and~~

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- prevent the concealment of suspicious packages
- include grasses, low height shrubs and clear trunk tree planting, to support creative wayfinding and aesthetic external lighting
- signage should be disability inclusive and, where practical, back-lit
- installation of a targeted IP Network (CCTV) camera surveillance to deter opportunities for concealment or entrapment and assist with identification

19. Access to power and water for food trucks or market food stalls or other activation users from the public room is required.

20. An appropriate amount of seating with backs and arms needs to be included in or close to the public room space to increase the diversity of people able to use the seating.

21. It is noted that the design indicates bollards to the north of the public room on the ground floor. These need to be able to be removed for vehicle access for cleaning of the site and for events if there is no other access point for vehicles.

13. Lockable storage space for the basketball net, sporting items such as basketballs and activation equipment such as a BBQ provided on the ground floor.

22-14. All construction signage is to be removed when the Occupation Certificate has been issued for the development.

23. A baby care room shall be provided and maintained in accordance with Penrith City Council's Baby Care Rooms Development Control Plan 2002. Details are to be submitted to Penrith City Council the Certifier as part of the Construction Certificate application.

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.

Prior to Issue of a Construction Certificate

15. Prior to the issue of a construction certificate, the following must be undertaken:

(a) 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.

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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)).

16. Prior to the issue of a construction certificate, the plans in condition 1 must be amended to the satisfaction of the Principal Certifying Authority to ensure the car parking in the development is provided with suitable infrastructure to enable the installation of electric charging points.

17. 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**.

~~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:~~

~~a) if the system is installed before he or she becomes the occupier, within one month after he or she becomes the occupier, or~~

~~b) 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.~~

18. Prior to the issue of a Construction Certificate, details of any a) Airhandling systems, hotwater systems, humidifying systems, warmwater systems and watercooling systems shall ~~demonstrate compliance with~~ be operated and maintained in accordance 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, a) Any airhandling system to be installed must be fitted with supply air filters. The regulated system shall be thoroughly flushed before being brought into service and shall be located in a position to ensure that the exhaust discharge from the tower is away from occupied areas, air intake and building openings.

~~24.~~

~~The watercooling system shall be operated and maintained in accordance with the Public Health Act 2010, Public Health Regulation 2012, AS3666.3:2011 Airhandling and water systems of buildings – Microbial control – Performance-based maintenance of cooling water systems and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease.~~

~~25. Airhandling systems, hotwater systems, humidifying systems, warmwater systems and watercooling systems must be installed in accordance with AS/NZS 3666.1:2011 Airhandling and water systems of buildings – Microbial control – Design, installation and commissioning, as applicable to the specific system.~~

~~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~~

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~~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.~~

~~An airhandling system must be fitted with supply air filters. The regulated system shall be thoroughly flushed before being brought into service and shall be located in a position to ensure that the exhaust discharge from the tower is away from occupied areas, air intake and building openings.~~

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~~When an air handling, hot water, humidifying, warm water or water cooling system is installed a certificate is to be obtained certifying that the system has been installed in accordance with the Public Health Act 2010, Public Health Regulation 2012 and AS3666.1:2011.~~

~~26. There must be safe and easy access to a regulated system (as defined in the Public Health Act 2010) for the purpose of the cleaning, inspection and maintenance of the system.~~

~~27. A watercooling system must be equipped with a disinfection procedure that is in operation at all times and that is designed to control microbial growth so that:~~

- ~~a) the level of Legionella in the system is not more than 10 colonyforming units per millilitre, and~~
- ~~b) the heterotrophic plate count in the system is not more than 100,000 colonyforming units per millilitre.~~

~~If these levels are exceeded, remedial action must be taken as soon as practicable by a competent person or a person acting under the supervision of a competent person. A competent person means a person who is a tertiary qualified chemist, chemical engineer, engineer or microbiologist and who has relevant expertise.~~

~~28. 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.~~

~~29. All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.~~

Prior to Commencing Works

4. ~~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.~~

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~~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.~~

2. ~~No work is to commence on site until such time as a person accredited to prepare traffic control plans in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" has certified a Traffic Control Plan for the development/site. 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.~~

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~~A copy of the Traffic Control Plan shall accompany the Notice of Commencement to be submitted to Penrith City Council 2 days before any work is to commence onsite.~~

- ~~All construction signage is to be removed when the Occupation Certificate has been issued for the development.~~

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

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

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5. ~~Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:~~

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- ~~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.~~

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~~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.

6. ~~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.~~

~~Prior to commencement of any other works occurring on site, site remediation works shall be carried out in accordance with the approved Consolidated Detailed Site Investigation prepared by JBS&G (dated 13 December 2022, ref 64118/148711 Rev 2) and the Remediation Action Plan prepared by JBS&G (dated 9 December 2022, ref 64118/148750 Rev 1) as well as Penrith Contaminated Land Development Control Plan, the ANZECC and NHMRC Guidelines (1992) and applicable NSW Environment Protection Authority Guidelines.~~

- ~~On completion of the site remediation works, the following documentation is to be submitted to the Principal Certifying Authority and Penrith City Council, if Council is not the Principal Certifying Authority:~~
- ~~Written notification that the site remediation works have been completed is to be submitted within 30 days that the said works have been completed.~~
 - ~~A validation report, prepared by an appropriately qualified person as defined in Penrith Contaminated Land Development Control Plan, is to be submitted before any building work can commence on the remediated site. The report shall certify that the remediation works have been carried out in accordance with the approved Remedial Action Plan, relevant NSW Environment Protection Authority requirements and Penrith Contaminated Land Development Control Plan.~~
 - ~~The notification and validation report is to be reviewed and approved by Council prior to commencement of any other works on site.~~
- ~~Prior to carrying out of any development on site, apart from remediation works:~~

- ~~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.~~

7. ~~No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with State Environmental Planning Policy (Biodiversity and Conservation) 2021. No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council. 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.~~

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~~30. No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by Council. The Validation Certificate shall:~~

- ~~• state the legal property description of the fill material source site,~~
- ~~• be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,~~
- ~~• clearly indicate the legal property description of the fill material source site,~~
- ~~• provide details of the volume of fill material to be used in the filling operations,~~
- ~~• provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of NonLiquid Wastes" 1997, and~~
- ~~• (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.~~

~~{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, ecotoxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}~~

~~If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.~~

~~8. 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.~~

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~~9. 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.~~

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~~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.~~

~~10. Noise levels from the premises 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 abovementioned~~

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~~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.~~

- ~~11. 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.~~

- ~~31. Contaminated topsoil shall not be mixed with uncontaminated underlying natural soils.~~

- ~~32. Should contamination be found during development works (outside the scope of the Council approved Remedial Action Plan), and should remediation be required, Penrith City Council is required to be notified and consulted before the remediation works commence.~~

- ~~33. An appropriately qualified person/s shall:~~

- ~~a) Supervise the remediation works.~~
- ~~b) Supply Council with a copy of any relevant documentation for further testing carried out during the remediation works.~~
- ~~c) Address off-site impacts and proposed management strategies where relevant~~
- ~~d) After completion of works certify, by way of a Validation Report (including associated Clearance Certificates or other written documentation), that remediation works have been carried out in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Validation Report is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council if it is not the PCA in accordance with the conditions of this consent.~~

~~The contact details of any appropriately qualified person/s engaged for the works shall be provided with the notice of commencement.~~

~~{Note: For the purpose of this condition an appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, ecotoxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}~~

- ~~12. All mechanical plant and equipment is 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).~~

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~~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.~~

- ~~34. No wastewater resulting from, or associated with, the excavation and construction phase of the development, is permitted to enter Council's stormwater system. All wastewater from the site is to be removed by a licensed transporter and disposed of at an EPA licensed waste facility. All receipts and supporting documentation must be retained in order to verify lawful disposal of wastewater and are to be made available to Penrith City Council on request.~~

~~Should approval be obtained from Sydney Water for the discharge of any wastewater from the excavation and construction phase of the development, to the sewer, evidence and details of this approval are to be submitted to both Council and the Certifying Authority prior to the commencement of works.~~

- ~~13. Prior to carrying out any development on-site, apart from remediation works, Following completion of remediation works and Council approval of the Validation Report having been submitted, prior to any further works commencing on site, 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.~~

- ~~35. 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.~~

- ~~14. All onsite waste collection infrastructure, doors and access points (Waste Collection Room) are to be locked through Council's Abley 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 manoeuvre 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).~~

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~~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.~~

~~15. 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.~~

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Prior to Issue of Construction Certificate

~~16.19. Prior to the issue of any Construction Certificate for this development,~~ 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 ~~and Section 7.12 Contributions 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).

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~~36. Prior to the issue of any Construction 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:~~

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~~• 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.~~

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~~• 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.~~

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~~37. Prior to the issue of any Construction Certificate, 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. This signage and line marking plan is to be submitted and approved by Council's Local Traffic Committee prior to implementation and installed at no cost to Council.~~

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~~17.20.~~ **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.

~~No work is to commence on site until such time as a person accredited to prepare traffic control plans in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" has certified a Traffic Control Plan for the development/site. 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.~~

~~A copy of the Traffic Control Plan shall accompany the Notice of Commencement to be submitted to Penrith City Council 2 days before any work is to commence onsite.~~

~~18.21.~~ **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 is, to the satisfaction of the Certifier, as in accordance with Penrith City Council's Development Control Plan 2014 (Volume 1), AS2890.1 and AS2890.6.

~~38. Prior to the issue of any Construction Certificate, the Certifier shall ensure that all vehicles accessing the site can enter and exit from/to the public road access in a forward direction. Any turning movements to comply must be in accordance with AS2890 for the relevant vehicle.~~

~~10.1. The approved waste management plan must be implemented onsite and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.~~

~~20.22.~~ 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.

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21. ~~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).~~

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~~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:~~

- ~~a) Construction of driveways (including kerb reinstatement of redundant driveway crossings and reconstruction of any affected footpaths and/or cycleways)~~
- ~~b) Temporary road reserve occupancies~~
- ~~c) Road reserve openings for the installation of:~~
 - ~~i. Utilities (water, sewer, power, telecommunications)~~
 - ~~ii. Private stormwater connections to the kerb (including stormwater connection to Penrith City Council owned drainage)~~
 - ~~iii. Reconstruction of concrete footpath and/or cycleways across the frontage~~
- ~~d) Establishment of a construction work zone~~
- ~~e) Establishment of road reserve hoardings and temporary structures/fencing etc.~~
- ~~f) Operation of a tower crane over the road reserve~~
- ~~g) 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.~~

22-23. **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:

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- 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.

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

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

23. ~~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).~~

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~~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:~~

- ~~h) Construction of driveways (including kerb reinstatement of redundant driveway crossings and reconstruction of any affected footpaths and/or cycleways)~~
- ~~i) Temporary road reserve occupancies~~
- ~~j) Road reserve openings for the installation of:~~
 - ~~iv. Utilities (water, sewer, power, telecommunications)~~
 - ~~v. Private stormwater connections to the kerb (including stormwater connection to Penrith City Council owned drainage)~~
 - ~~vi. Reconstruction of concrete footpath and/or cycleways across the frontage~~
- ~~k) Establishment of a construction work zone~~
- ~~l) Establishment of road reserve hoardings and temporary structures/fencing etc.~~
- ~~m) Operation of a tower crane over the road reserve~~
- ~~n) 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.

39.24. 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:

- a) Construction of driveways (including kerb reinstatement of redundant driveway crossings and reconstruction of any affected footpaths and/or cycleways)
- b) Temporary road reserve occupancies
- c) Road reserve openings for the installation of:
 - i. Utilities (water, sewer, power, telecommunications)
 - ii. Private stormwater connections to the kerb (including stormwater connection to Penrith City Council owned drainage)
 - iii. Reconstruction of concrete footpath and/or cycleways across the frontage
- d) Establishment of a construction work zone
- e) Establishment of road reserve hoardings and temporary structures/fencing etc.
- f) Operation of a tower crane over the road reserve
- g) 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.

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Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

- ~~Separate approvals may also be required from the Roads and Maritime Services for classified roads.~~
- ~~All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.~~

25. 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.

~~24. 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.~~

~~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.~~

~~40. The stormwater management system shall be consistent with the plan/s lodged for development approval, prepared by Enstruct listed in Condition 1.~~

~~Prior to the issue of any Construction Certificate or Subdivision Works Certificate, the Certifier shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design (WSUD) Policy.~~

~~Engineering plans and supporting calculations for the stormwater management system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate or Subdivision Works Certificate~~

26. 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.

25. 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:-

- The flooding impacts of the development must be remodelled, incorporating the raised pedestrian threshold, and if necessary.
- The plans in Condition 1 must be amended to ensure the development has no adverse impacts on flood flows across the site or on adjoining properties.
- All habitable floor levels are a minimum of 0.5m above the top water level of the 1% Annual Exceedance Probability overland flow path.
- Any part of the structure/s below 0.5m above the top water level of the 1% Annual Exceedance Probability overland flow path, have been detailed with flood compatible building components in accordance with the publication 'Reducing

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the Vulnerability of Buildings to Flood Damage' produced by the HawkesburyNepean Floodplain Management Steering Committee.

- The crest in the access ramp to the basement car park is a minimum of 300mm above the top of kerb or 300mm above the top water level of the 1% Annual Exceedance Probability overland flow path.
- All proposed penetrations and access points into the basement carpark area are a minimum of 0.3m above the top water level of the 1% Annual Exceedance Probability overland flow path.

26. 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.

27.

27. Prior to the issue of any Construction Certificate, the two dimensional (2D) flood modelling previously undertaken is to be revised and remodeled for the overland flow path along Soper Place. The revised flood modelling shall incorporate the detailed design of Soper Place as approved under this consent and shall consider the impacts of the raised pedestrian threshold at the western end of Soper Place. The raised pedestrian threshold shall have no adverse impacts upon flood flow nor any adverse impacts upon adjoining properties. Any redesign or removal of the raised pedestrian threshold to ensure the safe passage of overland flows shall be incorporated into plans for the public domain works along Soper Place.

The revised flood modelling shall be submitted to Penrith City Council for approval prior to the issue of a Construction Certificate. Prior to the issue of a construction certificate the following must be completed to the satisfaction of Council:

The flooding impacts of the development must be remodelled, incorporating the raised pedestrian threshold, and if necessary,

The plans in Condition 1 must be amended to ensure the development has no adverse impacts on flood flows across the site or on adjoining properties.

a) All habitable floor levels are a minimum of 0.5m above the top water level of the 1% Annual Exceedance Probability overland flow path.

b) Any part of the structure/s below 0.5m above the top water level of the 1% Annual Exceedance Probability overland flow path, have been detailed with flood compatible building components in accordance with the publication 'Reducing the Vulnerability of Buildings to Flood Damage' produced by the HawkesburyNepean Floodplain Management Steering Committee.

c) The crest in the access ramp to the basement car park is a minimum of 300mm above the top of kerb or 300mm above the top water level of the 1% Annual Exceedance Probability overland flow path.

d) All proposed penetrations and access points into the basement carpark area are a minimum of 0.3m above the top water level of the 1% Annual Exceedance Probability overland flow path.

e) The proposed development will not concentrate, dam or divert overland flows onto adjoining properties.

Details prepared by a suitably qualified person shall form part of any Construction Certificate issued demonstrating compliance with these requirements.

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28. **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.

~~41. Prior to the issue of a Roads Act Approval, a Performance 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.~~

29. **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.

~~The developer shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifier for the development then the dilapidation report shall be submitted to Council prior to the issue of any Occupation Certificate confirming no damage has occurred.~~

~~42. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.~~

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

~~43. Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 Traffic Control Devices for Works on Roads and the Transport for NSW (TfNSW) publication Traffic Control at Worksites, and certified by an appropriately accredited TfNSW Traffic Controller.~~

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

~~Note:~~

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

~~○ Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of any Construction Certificate or Subdivision Works Certificate.~~

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~~44. Work on the development shall not commence until:~~

- ~~• a Subdivision Works Certificate (if required) has been issued;~~
- ~~• a Certifier has been appointed for the project, and;~~
- ~~• any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.~~

~~A Notice of Commencement of works is to be submitted to Penrith City Council five (5) days prior to commencement of engineering works or clearing associated with the subdivision.~~

~~45. Street lighting is to be provided for all new and existing streets within the proposed subdivision to Penrith City Council's standards.~~

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~~46. Prior to the issue of any Subdivision Certificate, the Principal Certifier shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.~~

30. **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.

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31. **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

~~47.32.~~ 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

33. 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.

34. 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.

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35. 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.

36. All onsite waste collection infrastructure, doors and access points (Waste Collection Room) are to be locked through Council's 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 manoeuvre 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.

48-37. 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.

38. 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.

Commented [OP1]: The applicant asked in their original comments if this could be moved to pre OC.

During Works

49-39. The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

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

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

42. 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.

43. 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.

50.44. Following completion 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. 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.

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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.

54-50. 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

52-51. **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.

53-52. 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.

54-53. 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

~~Prior to the issue of any Construction 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.~~

~~Prior to the issue of any Construction Certificate, 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. This signage and line marking plan is to be submitted and approved by Council's Local Traffic Committee prior to implementation and installed at no cost to Council.~~

54. 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.

55. 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.

~~The development shall not be used or occupied until the Principal Certifying Authority has issued a Compliance Certificate certifying that the development has complied fully with the development consent.~~

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56. 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).

~~Prior to the issue of an occupation certificate, street lighting is to be provided for all new and existing streets to Penrith City Council's standards and to the satisfaction of Council.~~

31.

~~55. Prior to the issue of a Construction Certificate, evidence of compliance with the Design and Building Practitioners Particulars for Regulated Designs Order 2022 is to be provided to the satisfaction of the Certifying Authority, for any excavation, shoring and anchoring works that traverse a property boundary.~~

32-57. 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.

58. ~~Prior to the issue of any Occupation Certificate, all intersection upgrades surrounding the site identified in the Transport Assessment prepared by Ason Group, Ref: 1491r05v02, dated 29/09/22, shall be implemented by the applicant as part of the development at no cost to Council.~~ 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.

56. 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.

33-59. 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.

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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.

~~34-60. 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.

~~35-61. 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 be undertaken have been satisfactorily completed.

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

~~36. Prior to the issue of any Occupation Certificate, Works As Executed drawings, final operation and maintenance management plans and any other compliance documentation for the stormwater management system shall be submitted to the Principal Certifier in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, Stormwater Drainage Specification for Building Developments and WSUD Technical Guidelines.~~

~~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 Penrith City Council is not the Principal Certifier.~~

~~37. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the stormwater management systems (including water sensitive urban design measures) shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage Specification for Building Development—Appendix F~~

~~38. Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that the stormwater management systems (including onsite detention and water sensitive urban design):~~

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- 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, and;
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

39-62. 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.

~~40. Prior to the issue of any Occupation Certificate and installation of regulatory/advisory signage and line marking, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.~~

Notes:

- Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information on this process.
- Allow eight (8) weeks for approval by the Local Traffic Committee.
- Applicable fees are indicated in Council's adopted Fees and Charges.

41-63. 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".

~~42. Prior to the issue of any Occupation Certificate, 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.

43-64. 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.

~~4. Prior to the issue of a construction certificate, the plans in condition 1 must be amended to the satisfaction of the Principal Certifying Authority to ensure the car parking in the development is provided with suitable infrastructure to enable the installation of electric charging points.~~

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65. Prior to issue of an Occupation Certificate, a Public Room Management Plan is to be prepared to the satisfaction of Council.

4. Prior to the issue of an occupation certificate, street lighting is to be provided for all new and existing streets to Penrith City Council's standards and to the satisfaction of Council.

66. 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. to the satisfaction of Council.

67. 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.

68. 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:

- a) if the system is installed before he or she becomes the occupier, within one month after he or she becomes the occupier, or
- b) 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.

44-69. Prior to the issue of any Subdivision 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

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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.

45-70. Prior to the issue of any Occupation Certificate, a 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 drivers will be made aware that they must comply with the Operational Traffic Management Plan for the development.

~~No work is to commence on site until such time as a person accredited to prepare traffic control plans in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" has certified a Traffic Control Plan for the development/site. 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.~~

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Operational Matters

PENRITH CITY COUNCIL

~~46-71.~~ The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

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~~47-72.~~ The required sightlines around the driveway entrances are not to be compromised by landscaping, fencing or signage.

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~~48-73.~~ 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.

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~~49-74.~~ Subleasing of car parking spaces is not permitted by this consent. 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.

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~~50-75.~~ 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.

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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.

~~The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s~~

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~~57-76.~~ 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.