



**Land and Environment
Court**
of New South Wales

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DX 264, Sydney

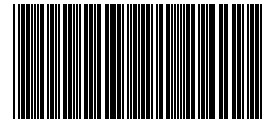
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D0001PWTR2

16 May 2023

NOTICE OF ORDERS MADE

Case number 2022/00314919
Case title COLSAN INVESTMENTS PTY LTD v THE COUNCIL OF CAMDEN

On 16 May 2023 the following orders (and/or directions) were made:

The Court orders that:

- (1) Leave is granted to the Applicant to rely on the amended documentation listed in Annexure B.
- (2) The Applicant is to pay the Respondent's reasonable costs thrown away as a result of the amendment in accordance with s 8.15(3) of the Environmental Planning and Assessment Act 1979, as agreed or assessed.
- (3) The appeal is upheld.
- (4) Development Application No. 2021/1120/1 for the construction of a single storey pub, brewhouse and associated operation, store and ancillary bottle-shop with associated drive-thru at 2 Porter Street, Oran Park, is determined by a grant of consent subject to conditions contained in Annexure A.

For the Registrar

Annexure B**AMENDED APPLICATION**

Plan name	Drawing Number	Prepared by	Dated
Amended Architectural Plans			
Site Analysis Plan, Rev 11	SK100	Archebiosis Architects	19.04.2023
Proposed Site Plan, Rev 11	SK101	Archebiosis Architects	19.04.2023
Ground Floor Plan 1/2, Rev 11	SK102	Archebiosis Architects	19.04.2023
Ground Floor Plan 2/2, Rev 11	SK103	Archebiosis Architects	19.04.2023
Roof Plan, Rev 11	SK104	Archebiosis Architects	19.04.2023
Elevations, Rev 11	SK200	Archebiosis Architects	19.04.2023
Sections, Rev 11	SK300	Archebiosis Architects	19.04.2023
Ground Floor Plan, Construction Fit Out Stages Diagram, Rev 11	SK400	Archebiosis Architects	19.04.2023
Signage Location Plan (1), Rev 11	SK500	Archebiosis Architects	19.04.2023
SG-01+SG-02+SG-03, Rev 11	SK501	Archebiosis Architects	12.04.2023
SG-04+SG-05+SG-06, Rev 11	SK502	Archebiosis Architects	12.04.2023
SG-07+SG-08+SG-09, Rev 11	SK503	Archebiosis Architects	12.04.2023
SG-010+SG-11, Rev 11	SK504	Archebiosis Architects	12.04.2023
SG-012, Rev 11	SK505	Archebiosis Architects	12.04.2023
Shadow Diagrams, Rev 11	SK600	Archebiosis Architects	19.04.2023
Ground Floor Plan, Total Area GFA, Rev 11	SK700	Archebiosis Architects	19.04.2023
Ground Floor Plan, Public Floor Area, Rev 11	SK701	Archebiosis Architects	19.04.2023
Swept Path Diagrams, Rev 11	SK702	Archebiosis Architects	19.04.2023
Amended Landscape Plans			
Landscape Cover Sheet, Rev K	LDA-00	Geoscapes	19.04.2023
Landscape Concept Plan, Rev K	LDA-01	Geoscapes	19.04.2023

Landscape Detail Plan, North, Rev K	LDA-02	Geoscapes	19.04.2023
Playground Concept Plan, Rev K	LDA-03	Geoscapes	19.04.2023
Playground Section (aa), Rev K	LDA-04	Geoscapes	19.04.2023
Landscape Detail Plan, South, Rev K	LDA-05	Geoscapes	19.04.2023
Dick Johnson Drive, Elevation	LDA-06	Geoscapes	19.04.2023
Specification & Details, Rev K	LDA-07	Geoscapes	19.04.2023
Planting Schedules and Imagery, Rev K	LDA-08	Geoscapes	19.04.2023
Amended Civil Plans			
Cover Sheet, Rev 1	C001	Premise	09.04.2021
General Notes & Legend, Rev 1	C002	Premise	9.04.2021
Typical Details, Rev 1	C010	Premise	9.04.2021
Existing Site Layout and Survey Control Plan, Rev 1	C040	Premise	9.04.2021
Bulk Earthworks Plan, Rev 2	C100	Premise	29.06.2021
Bulk Earthworks Site Sections A-A and B-B	C110	Premise	29.06.2021
Bulk Earthworks Site Sections C-C and D-D	C111	Premise	29.06.2021
Road Layout Plan, Rev 1	C200	Premise	9.04.2021
Line Marking and Sign Posting Layout Plan, Rev 1	C580	Premise	9.04.2021
Stormwater Catchment Plan, Rev 1	C600	Premise	9.04.2021
Pervious Site Area, Rev 1	C601	Premise	00.00.00
Stormwater Layout Plan, Rev 1	C610	Premise	9.04.2021
Stormwater Drainage Long Sections, Rev 1	C650	Premise	9.04.2021
Stormwater Pit Schedule	C670	Premise	9.04.2021
Stormwater Calculations 10% AEP Minor Storm, Rev 1	C690	Premise	9.04.2021
Stormwater Calculations 1% AEP Major Storm, Rev 1	C691	Premise	9.04.2021

Erosion and Sediment Control Plan, Rev 1	C900	Premise	9.04.2021
Erosion and Sediment Control Plan, Rev 1	C950	Premise	9.04.2021
Supporting Documentation			
DA Acoustic Assessment	prepared by Renzo Tonin & Associates		17.04.2023
Revised Plan of Management	prepared by IAS		8 May 2023

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: 2021/1120/1
Development: Construction of a single storey pub, brewhouse and associated operation, store and ancillary bottle-shop with associated drive-thru
Site: 2 Porter Street, Oran Park

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 16 May 2023

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lot 2201 in DP1266426, otherwise known as 2 Porter Street, Oran Park.

The conditions of consent are as follows:

Approved Development:

This development consent approves the following development subject to conditions:

- Construction of a single storey pub, brewhouse and associated operation, store and ancillary bottle-shop with associated drive-thru.
- Construction of 124 car parking spaces, 9 motorcycle spaces and 44 bicycle spaces.
- Signage.
- Associated site works including drainage, services and landscaping.
- Operating hours of:
 - Monday to Saturday 7:00AM – 2:00AM (with midnight lockout) and,
 - Sunday 7:00AM to 12:00AM.

Schedule A Conditions

1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documents, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Drawing No. SK101, Issue 11.	Proposed Site Plan.	Archebiosis Architects.	19/04/2023.
Drawing No. SK102, Issue 11.	Ground Floor Plan 1/2.	Archebiosis Architects.	19/04/2023.
Drawing No. SK103, Issue 11.	Ground Floor Plan 2/2.	Archebiosis Architects.	19/04/2023.
Drawing No. SK104, Issue 11.	Roof Plan.	Archebiosis Architects.	19/04/2023.
Drawing No. SK300, Issue 11.	Elevations.	Archebiosis Architects.	19/04/2023.
Drawing No. SK500, Issue 11.	Sections.	Archebiosis Architects.	19/04/2023.
Drawing No. SK400, Issue 11.	Ground Floor Plan – Construction Fit Out Stages Diagram.	Archebiosis Architects.	19/04/2023.
Drawing No. SK501, Issue 11.	Signage Location Plan (1).	Archebiosis Architects.	12/04/2023.
Drawing No. SK501, Issue 11.	SG-01 + SG-02 + SG-03.	Archebiosis Architects.	12/04/2023.
Drawing No. SK502, Issue 11.	SG-04 + SG-05 + SG-06.	Archebiosis Architects.	12/04/2023.
Drawing No. SK503, Issue 11.	SG-07 + SG-08 + SG-09.	Archebiosis Architects.	12/04/2023.
Drawing No. SK504, Issue 11.	SG-010 + SG-11.	Archebiosis Architects.	12/04/2023.

Drawing No. SK505, Issue 11.	SG-012.	Archebiosis Architects.	12/04/2023.
Drawing No. SK701, Issue 11.	Ground Floor Plan – Public Floor Area.	Archebiosis Architects.	19/04/2023.
Drawing No. LDA-01, Rev K.	Landscape Concept Plan.	Geoscapes	19/04/2023.
Drawing No. LDA-02, Rev K.	Landscape Detail Plan – North.	Geoscapes	19/04/2023.
Drawing No. LDA-03, Rev K.	Playground Concept Plan.	Geoscapes	19/04/2023.
Drawing No. LDA-04, Rev K.	Playground Section (AA).	Geoscapes	19/04/2023.
Drawing No. LDA-05, Rev K.	Landscape Detail Plan – South.	Geoscapes	19/04/2023.
Drawing No. LDA-06, Rev K.	Dick Johnson Drive Elevation.	Geoscapes	19/04/2023.
Drawing No. LDA-07, Rev K.	Specifications and Details.	Geoscapes	19/04/2023.
Drawing No. LDA-08, Rev K.	Planting Schedules and Imagery.	Geoscapes	19/04/2023.
Sheet Number C002, Rev 1.	General Notes and Legends.	Premise.	09/04/2021.
Sheet Number C010, Rev 1.	Typical Details.	Premise.	09/04/2021.
Sheet Number C100, Rev 2.	Bulk Earthworks Plan.	Premise.	29/06/2021.
Sheet Number C110, Rev 2.	Bulk Earthworks Site Sections A-A and B-B.	Premise.	29/06/2021.
Sheet Number C111, Rev 2.	Bulk Earthworks Site Sections C-C and D-D.	Premise.	29/06/2021.
Sheet Number C200, Rev 1.	Road Layout Plan.	Premise.	09/04/2021.
Sheet Number C580, Rev 1.	Line Marking and Sign Posting Layout Plan.	Premise.	09/04/2021.
Sheet Number C600, Rev 1.	Stormwater Catchment Plan.	Premise.	09/04/2021.
Sheet Number C601, Rev 1.	Pervious Site Area.	Premise.	Undated.
Sheet Number C610, Rev 1.	Stormwater Layout Plan.	Premise.	09/04/2021.
Sheet Number C650, Rev 1.	Stormwater Drainage Long Sections.	Premise.	09/04/2021.
Sheet Number C670, Rev 1.	Stormwater Pit Schedule.	Premise.	09/04/2021.
Sheet Number C690, Rev 1.	Stormwater Calculations 10% AEP Minor Storm.	Premise.	09/04/2021.

Sheet Number C691, Rev 1.	Stormwater Calculations 1% AEP Major Strom.	Premise.	09/04/2021.
Sheet Number C900, Rev 1.	Erosion and Sediment Control Plan.	Premise.	09/04/2021.
Sheet Number C950, Rev 1.	Erosion and Sediment Control Figures.	Premise.	09/04/2021.

Document Title	Prepared by	Date
DA Acoustic Assessment – TM772-01F01, Rev 5.	Renzo Tonin and Associates,	17 April 2023.
Letter from Premise – Details about 'Store'.	Premise, Paul Hume.	21 March 2023.
Plan of Management, Oran Park Tavern.	Liquor Advisory Services.	8 May 2023.

- (2) **National Construction Code - Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA as in force on the relevant date. In this condition the relevant date has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 19.
- (3) **Shoring and Adequacy of Adjoining Property** - If the approved development 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 rail corridor, the person having the benefit of the development consent must, at the person's own expense:
- protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

This condition does 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.

A copy of the written consent must be provided to the principal certifier prior to the excavation commencing.

- (4) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (5) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this development consent.

The following procedures shall be strictly observed:

- a) no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval; and
- b) pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.

The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the Development site.

The works and procedures involved with the protection of existing trees and other landscape features, are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

- (6) **Outdoor Lighting** – The approved development must include lighting in all areas that complies with AS 1158 and AS 4282.
- (7) **Infrastructure in Road and Footpath Areas** – Infrastructure must not be removed and/or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of pram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street footpath area for the proposed development shall be borne by the applicant, and not Council.

Note. The issue of this development consent does not imply concurrence or approval of any required public infrastructure work associated with the development.

- (8) **Street Tree Planting** – Street tree planting must be provided at a rate of 1 street tree per lot. More than 1 street tree per lot frontage can be provided if the following can be achieved:
 - a) Space for future driveways and waste storage collections points;
 - b) Street lighting, utilities, bus stops and pedestrian crossings; and
 - c) Appropriate sight distances in accordance with relevant standards.
- (9) **Safer By Design** - The following safer-by-design features shall be incorporated into the approved development:
 - a) Graffiti and vandal resistance building materials and fixtures must be used in the construction of the development. Management policy should be to remove Graffiti within 24 hours of its appearance.

- b) Surveillance management (i.e. CCTV) be applied to the car parking area and all external and internal areas.
- c) Lighting shall be designed in accordance with AS 1158.1. Where damaged or broken, lighting shall be repaired within 48 hours.
- d) Pathways / line of pedestrian travel must be lit with low lighting to mark the path of travel and reduce opportunity for concealment.
- e) Ensure landscaping does not create concealment opportunities over time and landscaping is appropriately maintained.
- f) Ensure storage of equipment and furniture associated with the pub does not create concealment opportunities.
- g) Directional signage must be provided throughout the development.
- h) Landscaping must not inhibit natural surveillance (block sight lines) or provide concealment and entrapment opportunities.
- i) During the week [Sunday and Thursday] there will be one [1] security guard between 8.00pm and 30 minutes after close. On Friday, Saturday, and a day before a public holiday, from 8.00 pm until 30 minutes after close, the Tavern shall as circumstances require have two security guards for the first 100 patrons and then additional security guards where circumstances require it. [This clause does not apply to patrons who are dining].
- j) On any day that the Tavern has a live band or DJ entertainment, the Tavern must have one additional security guard for every 100 patrons from 8.00 pm until 30 minutes after the entertainment ceases.
- k) The allocation of security will be increased when assessed as necessary by management in effectively maintain the safety of patrons and staff and the quiet and good order of the neighbourhood.

2.0 - Prior to Issue of a Construction Certificate

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Staging of Construction Works** - The Development is to be completed in stages in accordance with the approved plan titled, "Ground Floor Plan – Construction Fit Out Stages Diagram", prepared by Archebiosis Architects dated 19 April 2023, issue 11. Stage 1 must occur prior to stage 2 and 3.

One Construction Certificate may be issued for all stages, or a single Construction Certificate may be issued with respect to each stage or a combination of stages.

- (2) **Amended Plans** - The plans provided for the proposed development do not comply with Council and legislative requirements. The following must be provided to the certifier prior to the issuing of a Construction Certificate:

- a) The 'store' area which stores raw ingredients for the making of product is required to meet the fit-out requirements of the Food Act, Food Standards Code and AS4674: Design, construction and fit out of food premises.
- b) Hand wash basins shall be provided in the main kitchen areas at a distance of no more than 5m from any open food handling area, including the pizza making area.
- c) The brew house area shall be fitted with handwash basins at a distance of no more than 5m from any open food handling area.
- d) Detailed fit-out plans for the brewhouse shall be provided which demonstrate compliance with standards outlined above. The plans shall detail and show the proposed condenser as part of the brewing process.

Amended plans prepared by a suitably qualified person and demonstrating full compliance with these requirements. Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.

- (3) **Performance Bond** - The applicant is to lodge a bond with Council to provide security for works undertaken within the existing public domain in accordance with Council's Development Infrastructure Bonds Policy.

Note. Fees are payable for the lodgement and refund of the bond.

- (4) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the accredited certifier.

- (5) **External Walls and Cladding Flammability** – The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate the accredited certifier must:

- a) be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
- b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as proposed.

- (6) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.

A stormwater plan is to be submitted to the certifier prior to the augmentation of the existing drainage system to accommodate drainage from the approved development and to protect other property to the satisfaction of the certifier.

Note. Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

- (7) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book'). Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.
- (8) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993*.
- (9) **Car Park Noise Control** – All off-street (including basement) car parks must have a coved finish with Slabseal 2000 SR sealant (or similar equivalent product) applied to the concrete floor. The coved finish and sealant must be suitably maintained on the floor of all car parks at all times to a standard that eliminates tyre squeal noise from being audible.

Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.

- (10) **Garbage Room** - Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the accredited certifier for approval. Garbage room(s) are to be constructed of solid material and finished as a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste connection. Walls are to be smooth impervious surfaces to ensure no moisture, oils or similar material can soak in. Ventilation, pest proofing and a hose tap must be provided.
- (11) **Sydney Water Trade Waste** - The applicant shall contact the Commercial Trade Waste section of Sydney Water regarding the trade waste requirements. A written response from Sydney Water demonstrating compliance shall be provided to the accredited certifier and Council.
- (12) **Food Premises** - The design, construction, fit-out, use and ongoing operation of the food premises and/or food storage area shall comply with all applicable Acts, Regulation, codes and standards including:
 - a) the *Food Act 2003*;
 - b) the Food Regulation 2015;
 - c) Food Standards Australia and New Zealand – Food Standards Code 2003;
 - d) AS 1668.1-2015 and 1668.2-2012;
 - e) the BCA; and
 - f) AS 4674-2004 Design, construction and fitout of food premises

Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.

- (13) **Regulated System** - If a regulated system/cooling tower system is proposed, the system shall be designed and installed in accordance with the relevant provisions of:

- a) *Public Health Act 2010*;
- b) the Public Health Regulation 2012;
- c) AS/NZS 3666;
- d) AS 1470 and AS 1657;
- e) AS/NZS 1892.1 and 2865; and
- f) relevant provisions for safe access in accordance with Workcover – Code of Practice for Safe Work on Roofs Part 1: Commercial and Industrial Buildings.

Plans and Specifications for the design, installation, operation and maintenance of the regulated system(s), including details on the locations of all plant and equipment, shall be provided to the certifier with the Construction Certificate application. Particular attention shall be paid to mechanical exhaust locations of the kitchen and smokehouse in relation to proposed location and intakes for a cooling tower system. A suitably qualified and experienced consultant may be required to review and make recommendations for system type and location.

- (14) **Mechanical Ventilation** - Any room or area not provided with natural ventilation in accordance with the relevant requirements of the Building Code of Australia must be provided with a system of mechanical ventilation that complies with the requirements of Australian Standard 1668, Parts 1 & 2.

Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.

The smokehouse is to be provided with a suitable mechanical ventilation and control treatment system designed by a suitable qualified and experienced Air Quality consultant to control particulate and odour levels. The system shall be designed to satisfy the requirements of the *Local Government Air Quality Toolkit*, the *DEC Approved methods of guidance for modelling and assessment for air pollutants in NSW* and the *Protection of the Environment Operations Act 1997*. Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.

- (15) **Selection of Mechanical Plant** - An acoustic consultant must be involved in the selection and noise control of all mechanical plant for the Tavern and ensure compliance with the criteria in "Table 4-4" of "DA Acoustic Assessment: Oran Park Tavern Oran Park, prepared by Renzo Tonin, Ref TM772-01F01 (R5), Dated 17 April 2023," when assessed at the nearest affected residents in Oran Park.

- (16) **Damages Bond** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.

Note. A fee is payable for the lodgement of the bond.

- (17) **Long Service Levy** - In accordance with the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council. This applies to building and construction works with a cost of \$250,000 or more.

- (18) **Special Infrastructure Contribution** - A special infrastructure contribution (SIC) is to be made in accordance with the Environmental Planning and Assessment (Special

Infrastructure Contribution - Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

Evidence of payment of the SIC shall be provided to Council and the certifier.

Alternatively, the applicant must obtain written confirmation from the Department of Planning and Environment that the SIC is not required to be paid for the approved development.

More information

A request for assessment by the Department of Planning and Environment of the amount of the special infrastructure contribution that is required under this condition can be made through the NSW Planning Portal (<https://www.planningportal.nsw.gov.au/special-infrastructurecontributions-online-service>). Please refer enquiries to SIContributions@planning.nsw.gov.au.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (2) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
 - e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and
 - f) a telephone number on which the principal certifier may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
 - a) the name and address of the person by whom the notice is being given;

- b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a certifier;
 - b) a principal certifier has been appointed by the person having benefit of the development consent;
 - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited,
 - b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c) the name, address and telephone number of the principal certifier for the work.
- The sign must be maintained while the work is being carried out and removed when the work has been completed.
- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin to apply.

A copy of the approval receipt from Sydney Water must be submitted to the principal certifier.

- (8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (9) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the principal certifier and Council at least 2 days prior to the commencement of works.
- Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.
- (10) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the principal certifier.
- (11) **Construction Management Plan** - Construction waste management must be undertaken in accordance with the approved Waste Management Plan, Proposed Tavern Prepared by Premise (or similar plan). The plan must be kept on site for compliance until the completion of all works.
- (12) **Environmental Management Plan** - An environmental management plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the principal certifier.

The EMP shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment are not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- a) measures to control noise emissions from the site;
- b) measures to suppress odours and dust emissions;
- c) soil and sediment control measures;
- d) measures to control air emissions that includes odour;
- e) measures and procedures for the removal of hazardous materials that includes waste and their disposal;
- f) any other recognised environmental impact;
- g) work, health and safety; and
- h) community consultation.

- (13) **Construction Noise Management Plan** – A construction noise management plan shall be provided to the principal certifier and include the following:
- noise mitigation measures;
 - noise and/or vibration monitoring;
 - use of respite periods;
 - complaints handling; and
 - community liaison and consultation.
- (14) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.
- The protection methods for existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation during all works approved by this development consent shall be installed in accordance with AS 4970-2009 Protection of Trees on Development Sites.
- (15) **Construction Waste Management Plan** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, include the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must be kept on site for compliance until the completion of all construction works.

4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Work Hours** - All work (including delivery of materials) shall be:
- restricted to between the hours of 7am to 5pm Monday to Saturday (inclusive), and
 - not carried out on Sundays or public holidays,
- unless approved in writing by Council.
- (2) **Excavations and Backfilling** - All excavations and backfilling associated with the approved development must be executed safely and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.
- If an excavation 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 rail corridor, the person causing the excavation must:
- protect and support the building, structure or work on adjoining land from possible damage from the excavation,

- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation, and
- c) give at least 7 days notice of the intention to excavate to the owner of the adjoining land before excavating.

The above 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 requirements not applying.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact 'Dial Before You Dig' prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

- (3) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the designated inlet pit.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The principal certifier shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (4) **Site Management** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) a waste storage area shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:

- i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (5) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.
- (6) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (7) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until the development has been completed. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

“WARNING UP TO \$8,000 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution.”

The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.
- (8) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
 - all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - the wheels of vehicles leaving the site:
 - do not track soil and other waste material onto any public road adjoining the site; and
 - fully traverse the site’s stabilised access point.
- (9) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)

Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (10) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.

(11) **Noise During Work** - Noise levels emitted during works must comply with:

(a) Construction period of 4 weeks and under:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

(b) Construction period greater than 4 weeks and not exceeding 26 weeks:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

(c) Construction period greater than 26 weeks:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 5 dB(A).

Alternatively, noise levels emitted during works shall be restricted to comply with the NSW Environment Protection Authority Interim Construction Noise Guidelines.

(12) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.

(13) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.

(14) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.

(15) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).

Soil erosion and sediment control measures shall only be removed upon completion of the works when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

(16) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.

(17) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease

immediately until a certified contaminated land consultant has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (18) **Salinity Management Plan** - All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within the approved salinity management plans titled:

- Report of Bulk Earthworks Salinity Investigation Proposed Industrial Subdivision Tranche 22 Oran Park NSW, Prepared by Douglas Partners, Project 92287.24, Dated March 2019.

- (19) **Air Quality** - Vehicles and equipment used on site must be maintained in good working order and be switched off when not operating. The burning of any waste material is prohibited.

- (20) **Mechanical Plant Selection and Attenuation** – Mechanical plant for operation at the Tavern should not exceed the following noise levels (refer below) when cumulatively assessed at the closest noise impacted property boundaries:

- Day 50 dB(A) (LAeq, 15min);
- Evening 40 dB(A) (LAeq, 15min);
- Night 35 dB(A) (LAeq, 15min);

All plant must be suitably located on site or screened with suitable acoustic materials to meet the criteria.

- (21) **Building Façade Acoustic Performance** – The Tavern building that includes the roof, windows and doors, skylights in bistro and sports and TAB and brew house areas and, louvres in the gaming room, are all to be constructed to achieve acoustic performance consistent with “Table 5-2” in the report titled “DA Acoustic Assessment: Oran Park Tavern Oran Park, prepared by Renzo Tonin, Ref TM772-01F01 (R5), Dated 17 April 2023.”

- (22) **Children Acoustic Fence** – A 1.8 metre high acoustic fence is to be constructed for the children’s play area (on the southern side of the building) consistent with “Figure 3” of “DA Acoustic Assessment: Oran Park Tavern Oran Park, prepared by Renzo Tonin, Ref TM772-01F01 (R5), Dated 17 April 2023.”

- (23) **Outdoor Garden and Sports Terrace Acoustic Wall** – A 3.0 metre high acoustic wall is to be constructed around the outdoor garden and sports terraces (on the southern side of the building) consistent with “Figure 3” of “DA Acoustic Assessment: Oran Park Tavern Oran Park, prepared by Renzo Tonin, Ref TM772-01F01 (R5), Dated 17 April 2023.” The materials selected for the wall must be suitable glass with some lower portions of masonry to achieve an RW28 level.

5.0 - Prior to Issue of an Occupation Certificate

An Occupation Certificate shall be obtained prior to any use or occupation of the development. The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate. One Occupation Certificate may be issued for all stages, or a single Occupation Certificate may be issued with respect to each stage or a combination of stages.

- (1) **Staging of Construction Works** – Prior to issuing of any Occupation Certificate for stages 2 or 3, an Occupation Certificate must first be issued for Stage 1 as show on approved plan “Ground Floor Plan – Construction Fit Out Stages Diagram”, prepared by Archebiosis Architects dated 19 April 2023, issue 11.
- (2) **Works to be Complete** – A subdivision certificate must be issued for DA/2022/1001/1 (or as amended) prior to the issuing of any Occupation Certificate for this development consent.
- (3) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the principal certifier in accordance with the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- (4) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the principal certifier.
- (5) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (6) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the principal certifier:
 - a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
 - b) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to www.sydneywater.com.au/section73 or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (7) **External Walls and Cladding Flammability** – The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate principal certifier must:
 - a) be satisfied that suitable evidence is provided to demonstrate that the products and systems used in the construction of external walls, including finishes and claddings

such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and

- b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as built.
- (8) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.
- (9) **Waste Management Plan** - The principal certifier shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (10) **Waste Collection Contract** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. A copy of the contract is to be held on the premises at all times.
- (11) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this development consent.
- (12) **Inspection of Existing Street Trees** – All existing street trees must be inspected by Council to ensure that they are undamaged and in a healthy condition.
- (13) **Compliance with Acoustic Requirements** - Documentary evidence shall be provided to the principal certifier confirming the building/s has been constructed in accordance with the approved acoustic report DA Acoustic Assessment: Oran Park Tavern Oran Park, prepared by Renzo Tonin, Ref TM772-01F01 (R5), Dated 17 April 2023.
- (14) **Compliance Certificate** - Once the installation of the mechanical ventilation system is completed, a Certificate of Compliance prepared by a suitably qualified mechanical engineer with details of tests carried out shall be provided to the principal certifier. Verification shall be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.
- (15) **Food Premises Notification** - Council shall be notified that the premises is being used for the preparation, manufacture or storage of food for sale, or food intended for sale. A 'Notification of Food Premises' form can be found on Council's website.
- (16) **Mechanical Exhaust System** - A Certificate of Compliance prepared by a suitably qualified engineer confirming that the mechanical exhaust systems have been designed, constructed and installed in accordance with the relevant requirements of Clause F4.12 of the BCA and AS1668 Parts 1 and 2, shall be provided to the principal certifier. Certification shall be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.
- (17) **Regulated System** - If a regulated system/cooling tower system was installed, evidence of commissioning of the regulated system is to be provided by a suitably qualified person in accordance with the *Public Health Act 2010* and the *Public Health Regulation 2012* and AS/NZS 3666. A detailed report from the person who commissioned the regulated system is to be provided to the principal certifier and to Camden Council.

The owner or occupier of the premises shall apply to Council to notify the regulated system. Council is to conduct an inspection of the completed fit out.

6.0 - Ongoing Use

The following conditions of consent are operational conditions applying to the development.

- (1) **Number of Patrons** - The number of patrons permitted on the premises shall not exceed 630 (inclusive of staff) at any given time.
- (2) **Gaming Room Capacity** – The number of patrons within the gaming room shall not exceed 30 at any given time.
- (3) **Compliance with Plan of Management** – The approved development shall operate in accordance with approved document titled 'Oran Park Tavern, Plan of Management' dated 8 May 2023.
- (4) **Operation of Store** – The area indicated 'Store' on approved plans shall operate in accordance with approved letter titled 'Details about Store', prepared by Premise, dated 21 March 2023.
- (5) **Public Areas** – Patrons shall not be permitted to enter, exit and or occupy areas indicated 'non-public areas' on approved plan titled 'Ground Floor Plan – Public Floor Area, Issue 11' dated 19 April 2023.
- (6) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (7) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (8) **Hours of Operation** - The property is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday – Saturday.	7:00AM – 2:00AM.
Sunday.	7:00AM – 12:00AM.

- (9) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site.

The loading dock (if provided) shall be used for loading and unloading operations in connection with the approved use.

- (10) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.
- (11) **Parking Areas to be Kept Clear** - At all times, the loading docks, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.

- (12) **Amenity** - The approved development shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations or residential/business premises.
- (13) **Offensive Noise and Noise Compliance** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*. Noise must also comply with the NSW Noise Policy for Industry 2017.
- (14) **No Waste to Be Stored Outside of the Site** – No waste is to be placed on any public land (eg. footpaths, roadways, plazas, reserves, etc.) or any other properties at any time.
- (15) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (16) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation, street tree installation and mulching.

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards, etc) shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans and all improvements be in full working order.

- (17) **Waste Water Treatment Devices** - All wastewater treatment devices (including drainage systems, sumps, traps and pumps) shall be regularly maintained in good working order to ensure that they remain effective. A maintenance schedule shall be developed and incorporated into a Plan of Management (PoM) and kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device shall be disposed of in accordance with relevant environmental protection and waste control legislation.
- (18) **Food Premises** - All equipment (including pie warmers, hot food display units, etc) used for the display or storage of hot food shall maintain the food at a temperature of not less than 60°C.

All equipment used for the display or storage of cold food shall maintain the food at a temperature of not more than 5°C.

A food business must, at food premises where potentially hazardous food is handled, have a temperature measuring device (eg probe thermometer) that:

- a) Is readily accessible; and
- b) Can accurately measure the temperature of potentially hazardous food to +/- 1oC

A suitable waste contractor(s) must be engaged for the removal of wastes generated at the premises. All bins and waste storage facilities at the premises are to be sealed and emptied on a regular basis to prevent odour, vermin and fire hazards from occurring.

- (19) **Regulated System** - The regulated system shall be operated and maintained in accordance with the *Public Health Act 2010* and the *Public Health Regulation 2022*.
- (20) **Pizza Oven** - The Pizza oven in the kitchen is approved with a fuel source of gas or electric only. A pizza oven with a fuel solid source which includes wood or coal is required to be separately approved by Council via development consent.
- (21) **Brewing Waste** - All solid and/or odourous waste from the brewing process (such as surplus yeast) is to be stored indoors in sealed receptacles prior to disposal.
- (22) **Bunding** - The brewhouse area shall be provided with a bund constructed of an impervious material and able to effectively store a minimum of 110% volume of the largest container stored or 25% of total volume of the stored product.
- (23) **Offensive Odour** - The use and occupation of the premises shall not give rise to any offensive odour within the meaning of the *Protection of the Environment Operations Act 1997*.
- (24) **Independent Liquor and Gaming Authority – License Premises Noise Criteria** - The operation of the hotel (Tavern) that includes any entertainment on the property must comply with the noise criteria set by the Independent Liquor and Gaming Authority.
- (25) **Indoor Sound Levels** - Before midnight, the indoor noise levels from music must be limited to “84 dB(A) L10 uniform sound pressure levels in the space”. All sound equipment located in areas where music is played must be “noise limited” to comply with the above level.
- (26) **Outdoor Sound Levels** - Before midnight, the outdoor noise levels from music must be limited to “65 dB(A) L10 uniform sound pressure levels in the space”. All sound equipment located in areas where music is played must be “noise limited” to comply with the above level.
- (27) **Patron Capacities** - Before midnight, the outdoor and indoor areas are limited to the following patron numbers:
 - Sports Terrace 45
 - Garden Terrace 80
 - Gaming Room 30.

- (28) **Airlock Door** - The airlock door located at the main entry to the tavern is to be always operational (during tavern operating hours) to automatically open and close for patron access / egress.
- (29) **Outdoor Terrace Doors** - Before midnight, when internal noise levels represent normal background levels (i.e. no live / DJ music) then doors to the terraces are to remain closed but still allow patrons to move between internal / external spaces.
- (30) **Outdoor Terrace** - Before midnight, when internal noise levels are higher than normal background (from live / DJ music) then doors to the terraces are to remain closed with an additional airlock door to be operational in this space providing a permanent line of glazing to separate internal and external spaces.
- (31) **Barrier Door Closure** - Before 6.00 pm, the door opening in the outdoor noise barrier facing Dick Johnson Drive is to be kept closed except to allow patron access / egress. After 6.00 pm the same door is to be closed to patron access / egress except for emergency use.
- (31) **Closing of Outdoor Spaces** - From midnight till the close of business, all outdoor terraces and children play areas are to be closed with no patron use.
- (32) **Patron Restriction** - From midnight till close of business, all indoor areas must not operate above maximum patron capacity levels.
- (33) **Restriction of Live Entertainment** - Live and DJ music in all indoor areas must cease from midnight.
- (34) **Inhouse Speakers and Sound Mixing Equipment** - Where live bands or DJ's amplified music is played inside the tavern "inhouse" speakers and sound equipment must be used. This equipment must also be noise limited to a maximum of "84 dB(A) L10 uniform sound pressure levels in the space".
- (35) **Completion of Landscape Works** – All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this development consent.

Certification for compliance with AS2303-2018 – Tree Stock for Landscape Use from the grower/supplier of the trees must be provided to the principal certifier.
- (36) **Largest Vehicle Permitted** – The largest vehicle permitted to access the site shall be limited to a 12.5m Heavy Rigid Vehicle (HRV).
- (37) **Prohibited Access from Dick Johnson Drive** – Vehicular access from Dick Johnson Drive shall be limited to a maximum vehicle size of 6.99m Minibus. Larger vehicles are not permitted to access from Dick Johnson Drive.