

## **JOINT REGIONAL PLANNING PANEL (Sydney West Region)**

<b>JRPP No</b>	<b>2012SYW100</b>
<b>DA Number</b>	<b>265(2)/2012</b>
<b>Local Government Area</b>	<b>Camden Council</b>
<b>Proposed Development</b>	<b>Section 96(2) Modification Application - Reduction of retail and business premises floor areas, increase floor area of office premises, modification of building floor plate and alternative basement car park noise control measure for Oran Park Town Centre Stage 1</b>
<b>Street Address</b>	<b>Lot 9012, DP 1175454</b> <b>Lot 9015, DP 1178579</b> <b>400A and 400G The Northern Road, Oran Park</b>
<b>Applicant/Owner</b>	<b>Greenfields Development Company / Leppington Pastoral Company</b>
<b>Number of Submissions</b>	<b>0</b>
<b>Recommendation</b>	<b>Approve with modified conditions</b>
<b>Report by</b>	<b>Ron P Dowd, Urban Planner</b>

### **PURPOSE OF REPORT**

The purpose of this report is to seek the Joint Regional Planning Panel's (the Panel) determination of a Section 96(2) Modification application to modify a number of conditions relating to the previously approved Stage 1 Oran Park Town Centre development application (DA).

The Panel is the determining authority for this modification application pursuant to Clause 21(1)(b) of State Environmental Planning Policy (State and Regional Development) 2011. The Panel determined the original DA at the determination meeting of 24 May 2012.

## **SUMMARY OF RECOMMENDATION**

That the Panel determine Section 96 Modification Application 265(2)/2012 for the reduction of retail and business premises floor areas, an increase in the floor area of office premises, the modification of the building floor plate and an alternative basement car park noise control measure for Oran Park Town Centre Stage 1 pursuant to Section 96(2) of the *Environmental Planning and Assessment Act 1979* by approving it subject to the modified conditions contained in this report.

## **EXECUTIVE SUMMARY**

Council is in receipt of a Section 96(2) Modification application for the reduction of retail and business premises floor areas, an increase in the floor area of office premises and modification of the building floor plate and an alternative basement car park noise control measure for Oran Park Town Centre Stage 1. The original DA was approved by the Panel at the determination meeting of 24 May 2012.

The proposed modifications include modifications to the approved plans to reflect changes in the retail, business and office floor areas, the reduction in the provision of car parking spaces from 633 to 621 spaces, alterations to the building facades and amendments to the requirement for car park noise control. Minor modifications to bulk earthworks and temporary stormwater works are also proposed to correspond with the proposed amendments to the built form layout.

The modification application has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The modification application was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 19 November to 3 December 2012. No submissions were received as a result of this.

The modified development remains fully compliant with the applicable controls stipulated in State Environmental Planning Policy (Sydney Region Growth Centres) 2006, the Oran Park Development Control Plan 2007 and Camden Development Control Plan 2011.

Based on the assessment, it is recommended that the modification application be approved subject to the modified conditions contained in this report.

**SUBJECT SITE:**  
 Lot 9015 DP 1178579 &  
 Lot 9012 DP 1175454

**SCALE:** Not to Scale

**N**

**PETERBOROUGH, ONTARIO**

**9015**  
 1178579

**9012**  
 1175454

**9016**  
 1178579

**9017**  
 1178579

**9018**  
 1178579

**9019**  
 1178579

**9020**  
 1178579

**9021**  
 1178579

**9022**  
 1178579

**9023**  
 1178579

**9024**  
 1178579

**9025**  
 1178579

**9026**  
 1178579

**9027**  
 1178579

**9028**  
 1178579

**9029**  
 1178579

**9030**  
 1178579

**9031**  
 1178579

**9032**  
 1178579

**9033**  
 1178579

**9034**  
 1178579

**9035**  
 1178579

**9036**  
 1178579

**9037**  
 1178579

**9038**  
 1178579

**9039**  
 1178579

**9040**  
 1178579

**9041**  
 1178579

**9042**  
 1178579

**9043**  
 1178579

**9044**  
 1178579

**9045**  
 1178579

**9046**  
 1178579

**9047**  
 1178579

**9048**  
 1178579

**9049**  
 1178579

**9050**  
 1178579

**9051**  
 1178579

**9052**  
 1178579

**9053**  
 1178579

**9054**  
 1178579

**9055**  
 1178579

**9056**  
 1178579

**9057**  
 1178579

**9058**  
 1178579

**9059**  
 1178579

**9060**  
 1178579

**9061**  
 1178579

**9062**  
 1178579

**9063**  
 1178579

**9064**  
 1178579

**9065**  
 1178579

**9066**  
 1178579

**9067**  
 1178579

**9068**  
 1178579

**9069**  
 1178579

**9070**  
 1178579

**9071**  
 1178579

**9072**  
 1178579

**9073**  
 1178579

**9074**  
 1178579

**9075**  
 1178579

**9076**  
 1178579

**9077**  
 1178579

**9078**  
 1178579

**9079**  
 1178579

**9080**  
 1178579

**9081**  
 1178579

**9082**  
 1178579

**9083**  
 1178579

**9084**  
 1178579

**9085**  
 1178579

**9086**  
 1178579

**9087**  
 1178579

**9088**  
 1178579

**9089**  
 1178579

**9090**  
 1178579

**9091**  
 1178579

**9092**  
 1178579

**9093**  
 1178579

**9094**  
 1178579

**9095**  
 1178579

**9096**  
 1178579

**9097**  
 1178579

**9098**  
 1178579

**9099**  
 1178579

**9100**  
 1178579

**9101**  
 1178579

**9102**  
 1178579

**9103**  
 1178579

**9104**  
 1178579

**9105**  
 1178579

**9106**  
 1178579

**9107**  
 1178579

**9108**  
 1178579

**9109**  
 1178579

**9110**  
 1178579

**9111**  
 1178579

**9112**  
 1178579

**9113**  
 1178579

**9114**  
 1178579

**9115**  
 1178579

**9116**  
 1178579

**9117**  
 1178579

**9118**  
 1178579

**9119**  
 1178579

**9120**  
 1178579

**9121**  
 1178579

**9122**  
 1178579

**9123**  
 1178579

**9124**  
 1178579

**9125**  
 1178579

**9126**  
 1178579

**9127**  
 1178579

**9128**  
 1178579

**9129**  
 1178579

**9130**  
 1178579

**9131**  
 1178579

**9132**  
 1178579

**9133**  
 1178579

**9134**  
 1178579

**9135**  
 1178579

**9136**  
 1178579

**9137**  
 1178579

**9138**  
 1178579

**9139**  
 1178579

**9140**  
 1178579

**9141**  
 1178579

**9142**  
 1178579

**9143**  
 1178579

**9144**  
 1178579

**9145**  
 1178579

**9146**  
 1178579

**9147**  
 1178579

**9148**  
 1178579

**9149**  
 1178579

**9150**  
 1178579

**9151**  
 1178579

**9152**  
 1178579

**9153**  
 1178579

**9154**  
 1178579

**9155**  
 1178579

**9156**  
 1178579

**9157**  
 1178579

**9158**  
 1178579

**9159**  
 1178579

**916**

The site is comprised of 2 properties and which are commonly known as 400A and 400G The Northern Road, Oran Park and are legally described as lot 9012, DP 1175454 and lot 9015, DP 1178579.

The exact site of works under this modification application is an area of 28,903m<sup>2</sup> on lot 9012, DP 1175454. Downstream bulk earthworks and temporary stormwater works will occur on lot 9015, DP 1178579.

## HISTORY

DA 265(2)/2012

<b>Date</b>	<b>Development</b>
24 May 2012	2012SYW036 - DA 265/2012 was approved by the Panel for the construction of Stage 1 of the Oran Park Town Centre
14 September 2012	Lot 9012, DP 1175454 (the development site) is registered
16 October 2012	2012SYW100 - A Section 96(2) Modification application was lodged with Council
31 December 2012	Lot 9015, DP 1178579 (site of downstream bulk earthworks and temporary stormwater works) is registered

## **THE PROPOSAL**

Section 96 Modification Application 265(2)/2012 seeks approval to modify a number of conditions relating to the previously approved Stage 1 Oran Park Town Centre DA.

The original DA approved a mixed use development comprising 14,180m<sup>2</sup> gross lettable area of retail and business premises. Also approved were ancillary works including car parking, landscaping stormwater drainage and bulk earthworks.

The modification application proposes modifications to the approved plans to reflect changes in the retail, business and office floor areas, the reduction in the provision of car parking spaces from 633 to 621 spaces, alterations to the building facades (including the deletion of two commercial towers) and amendments to the requirement for car park noise control. Minor modifications to bulk earthworks and temporary stormwater works are also proposed to correspond with the proposed amendments to the built form layout.

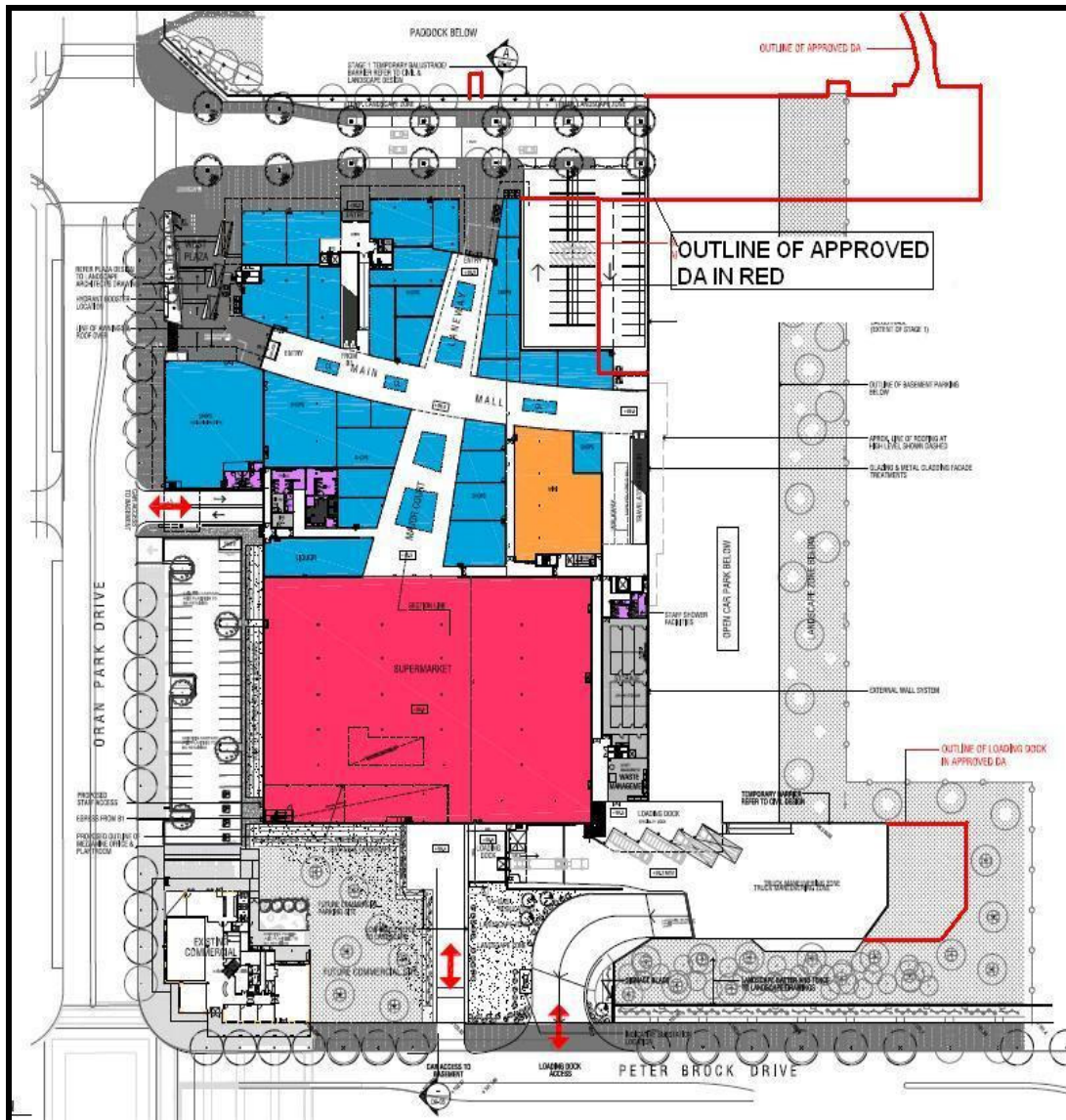
The following table outlines the proposed modifications to the building floor space components and car parking spaces.

<b>Use</b>	<b>Original DA</b>	<b>Proposed Section 96 Modification</b>	<b>Difference</b>
Site Area	37,239m <sup>2</sup>	28,903m <sup>2</sup>	-8,336 m <sup>2</sup>
Supermarket	4,616m <sup>2</sup>	4,631m <sup>2</sup>	+15m <sup>2</sup>
Shops (Retail Premises)	5,184m <sup>2</sup> (43 shops and kiosks)	4,602m <sup>2</sup> (37 shops and kiosks)	-582m <sup>2</sup>
Business Premises	2,780m <sup>2</sup>	1,400m <sup>2</sup>	-1,380m <sup>2</sup>
Office Premises	1,600m <sup>2</sup>	2,490m <sup>2</sup>	+890m <sup>2</sup>
<b>Total</b>	<b>14,180m<sup>2</sup></b>	<b>13,122m<sup>2</sup></b>	<b>-1,058m<sup>2</sup></b>
Car Parking	633 (including 485 permanent spaces)	621 (comprised of 46 temporary and 575 permanent spaces)	-12 spaces

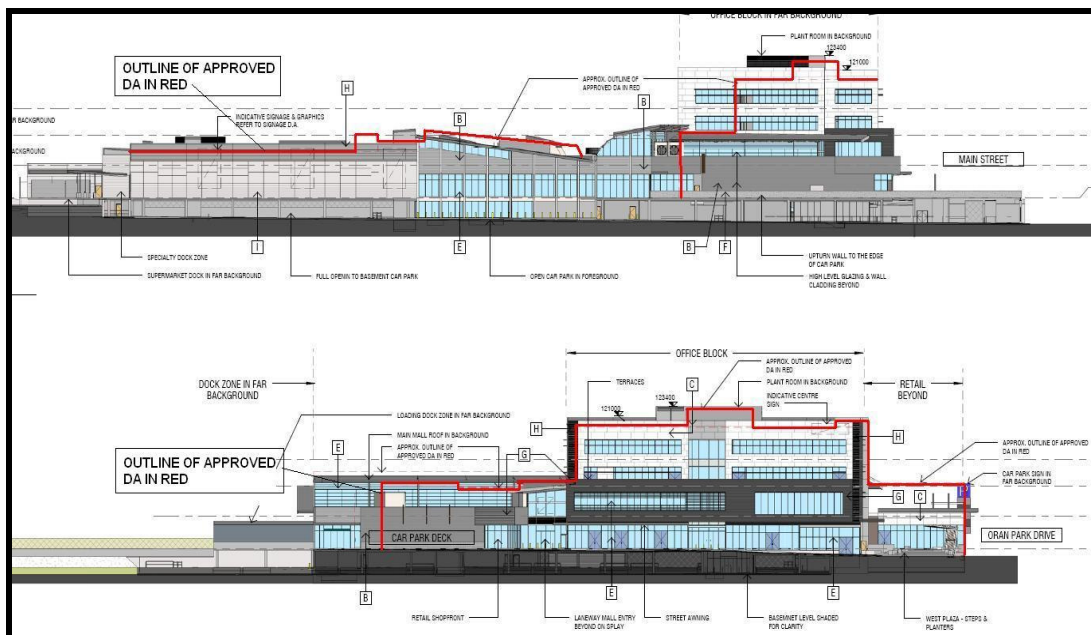
A table describing the proposed modifications to the conditions is provided in the “(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality” section of the report.



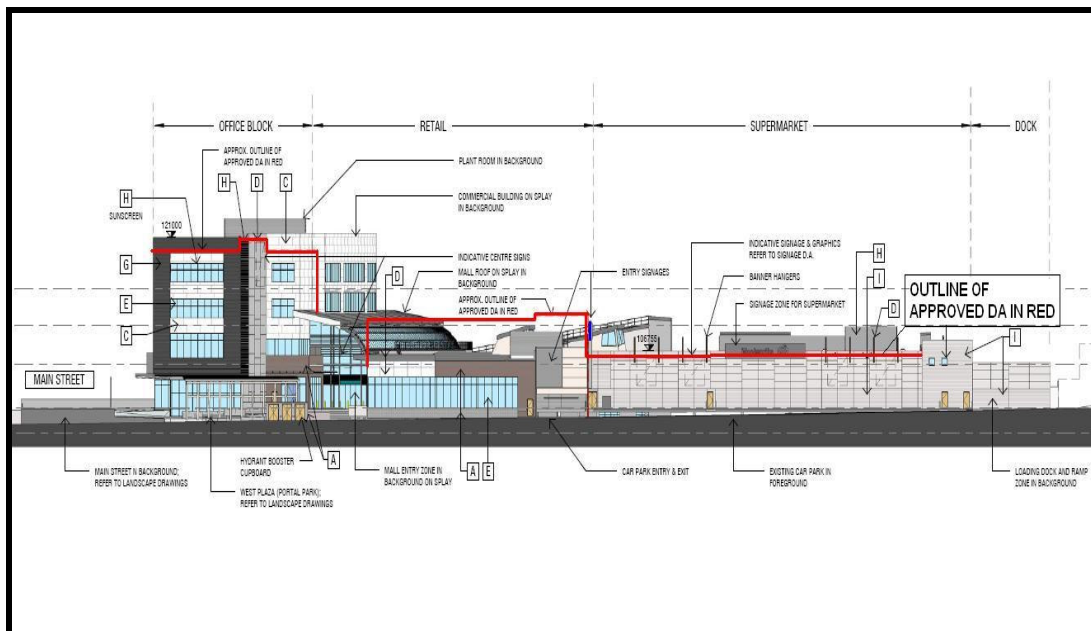
## Ground Floor Plan



## East Elevation (Top) / North (Main Street) Elevation (Bottom)



## West (Oran Park Drive) Elevation



## ASSESSMENT

Pursuant to Section 96(2) of the Environmental *Planning and Assessment Act 1979*, the modified development is considered to be substantially the same as the originally approved development. In addition, the modification application has been publicly

exhibited and no submissions were received. An assessment against Section 79C of the *Environmental Planning and Assessment Act 1979* is provided below:

***Environmental Planning and Assessment Act 1979 – Section 79(C)(1)***

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

***(a)(i) The Provisions of any Environmental Planning Instrument***

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River

An assessment of the proposed development against these Environmental Planning Instruments is detailed below.

***(1)(a)(i) The provisions of any Environmental Planning Instrument***

State Environmental Planning Policy Sydney Region Growth Centres 2006 (SEPP)

*Permissibility*

The site is zoned B2 Local Centre under the provisions of the SEPP. The proposed development is defined as “retail premises”, “business premises” and “office premises” by the SEPP which are permissible land uses in this zone.

*Zone Objectives*

The objectives of the B2 Local Centre zone are as follows:

- To provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area.

Officer comment:

The modified development will provide for business and retail land uses and therefore complies with this objective.

- To encourage employment opportunities in accessible locations.

Officer comment:

The modified development will generate new employment opportunities by allowing new businesses to operate on the site.

- To maximise public transport patronage and encourage walking and cycling.

Officer comment:

The modified development is located adjacent to proposed bus routes, cycleway and pedestrian pathways and therefore complies with this objective.

- To ensure that residential development does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

Officer comment:

This objective is not relevant to the modified development as it remains a development for retail and business land uses.

- To ensure that residential development does not preclude the provision of active uses at street level.

Officer comment:

This objective is not relevant to the modified development as it remains a development for retail and business land uses.

- To provide for land uses of a higher order and density within the Local Centre Zone than are permitted within the Neighbourhood Centre Zone or the Mixed Use Zone.

Officer comment:

The modified development will provide opportunities for land uses of a higher order and density than those that would be permitted in other zones.

- To provide for residential development that contributes to the vitality of the local centre.

Officer comment:

This objective is not relevant to the modified development as it remains a development for retail and business land uses.

*Relevant Clauses*

The modification application was assessed against the following relevant clauses of the SEPP:

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	24m maximum height	23.9m maximum height	Yes
6.1 Public Utility Infrastructure	Public utility infrastructure is available to the site	Public utilities are available to the site	Yes



Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The modified development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed modified development. When the original DA was approved, water pollution control devices were conditioned as part of that development consent. It not proposed to modify or delete that condition.

***(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).***

There is no draft Environmental Planning Instruments applicable to the proposed modified development.

***(a)(iii) The Provisions of any Development Control Plan***

Oran Park Development Control Plan 2007 (DCP)

The following is an assessment of the proposal's compliance with the relevant controls in the DCP.

Control	Requirement	Provided	Compliance
Part A, 6.2 Flooding and Watercycle Management	Compliance with Council policies	A stormwater drainage report has been submitted for the modified development which complies with the DCP and Council's Engineering Specifications	Yes
Part A, 6.9 Acoustics	Compliance with Council policy	An addendum to the original acoustic assessment report has been provided in relation to the condition relating to tyre squeal noise. This addendum report proposes an alternative basement car park treatment which has been assessed by Council staff and is supported in that it will still ensure no adverse noise impacts occur within the basement car park	Yes

Control	Requirement	Provided	Compliance
Part B1, 7.0 Land Use and Built Form	Design must incorporate façade treatments, articulation elements and street activation	Modified architectural plans have been submitted which illustrate façade treatments, articulation elements and street activation. It is also proposed that approved pre-cast concrete panel walls along the Oran Park and Peter Brock Drives frontages be articulated. It is recommended that condition 1.0 (2) has an additional point added to it which stipulates that these panels be finished in a range of colours that are complementary to the colour scheme of the approved development	Yes
Part B1, 8.0 Access and Parking	A total of 484 car parking spaces are required in accordance with Part B5 of Camden Development Control Plan 2011	A total of 621 car parking spaces will be provided. Of this, 46 spaces are temporary and are proposed on the private "Main Street" and a temporary at grade car parking area. The modified development therefore more than complies with the car parking controls	Yes
Part B1, 9.0 Staging	Demonstrate how Stage 1 can operate independently within the town centre	Staged architectural, earthworks and stormwater plans have been submitted which indicate the proposed staging of the development. These staging plans have been assessed by Council staff and are deemed to be acceptable and consistent with the DCP's requirements	Yes

***(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F***

The Oran Park Release Area Planning Agreement (the Agreement) for the land was signed on 22 September 2011. The proposed development is located with Stage G on Greenfield Development Company No. 2 (GDC 2) land. The Agreement specifies that the developer has agreed to provide the following facilities (at various stages of final lots):

- Item 10 - Library (3,000<sup>th</sup> final lot);
- Item 1 - Leisure Centre (3,500<sup>th</sup> final lot); and
- Item 7 - Community Park (75% of final lots in Stage G).

The facilities listed above are not required to be provided with this development as only 568 final lots have been released in Oran Park and the development site is the first lot released in Stage G of the Oran Park Town Centre.

In addition to these facilities, a cash component is also prescribed at a rate of \$2,227 (indexed to CPI) per hectare of net developable area (NDA). Compliance with these matters was conditioned in the original approval and no modification to this condition is required as a result of this modification application.

***(a)(iv) The Regulations***

The Regulations prescribe several matters that have been addressed in the conditions contained in the original development consent. No modification to these conditions is required as a result of this modification application.

***(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality***

As demonstrated by the above assessment, the proposed development as modified is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

The following table outlines the proposed modifications to the conditions that were imposed on the original consent. Council staff assessment of the modifications are also provided.

Condition No.	Condition Requires	Proposed Change	Officer Comment
1.0 (1) Development in Accordance with Plans	Compliance with the approved set of plans and supporting consultants reports	Modify plans in accordance with the proposed modifications sought	Supported as the modification of the plans is acceptable as demonstrated by the assessment in this report
1.0 (2) Amendments to Approved Plans	Condition imposed to amend plans	Modifications sought to the building elevations including the deletion of two commercial towers	Supported however it is recommended that condition 1.0 (2) has an additional point added to it which stipulates that

		and modification to the building floor plate	pre-cast concrete along the Oran Park and Peter Brock Drive frontages be finished in a range of colours that are complementary to the colour scheme of the approved development
2.0 (7) Parking Spaces	Compliance with a minimum provision of off-street car parking spaces	Modification in floor space necessitates the minimum provision of off-street car parking spaces to be modified accordingly	Supported as ample car parking will be provided on site
2.0 (14) Car Park Noise Control	Surface finish of basement car park to restrict tyre squeal	Modification sought to replace broom finished concrete with a coved finish and treatment of Slabseal 2000 SR sealant	Supported as alternative treatment is considered to be acceptable in terms of acoustic impacts

### Acoustic Impacts

This Section 96(2) modification application seeks to modify Condition 2.0 (14) which required the basement level car park to have a broom finish applied to the concrete to prevent tyre squeal noise. An addendum to the original acoustic report was submitted in support of modifying the broom finish requirement.

The addendum report states that an acoustic consultant has assessed an alternative car park finish at Narellan Town Centre and confirms that no squeal was heard during a 45 minute assessment of the alternative finish described as "coved finish with Slabseal 2000 SR sealant." This treatment is considered by the acoustic consultant to be an acceptable alternative to the "broom finish." Council staff have assessed this addendum report and agree with its findings. It is therefore considered that the proposed modification to Condition 2.0 (14) is acceptable in that the coved finish with Slabseal 2000 SR sealant will prevent audible tyre squeal.

### Building Façade Treatment

As previously noted, the proposed modification will result in a reduction in business and retail premises floor space, which will alter the general appearance of the development when viewed from the private "Main Street" and at the intersection with Oran Park Drive. While this modification will reduce the prominence of the office block buildings, it is considered that appropriate façade treatments, articulation elements and street activation controls are provided through shopfront glazing to Oran Park Drive.

It is recommended that an additional point be included in condition 1.0 (2) that requires that the pre-cast concrete panels along the Oran Park and Peter Brock Drive

frontages are finished in colours complementary to the colour scheme for this development to reduce their visual bulk and scale.

**(c) *The suitability of the site***

As demonstrated by the above assessment, the site is considered to be suitable for the modified development.

**(d) *Any submissions made in accordance with this Act or the Regulations***

The modification application was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 19 November 2012 to 3 December 2012. No submissions were received as a result of this.

**(e) *The public interest***

The public interest is served through the detailed assessment of this modification application under the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments, Development Control Plans and policies. Based on the above assessment, the modified development is consistent with the public interest.

**EXTERNAL REFERRALS**

*Roads and Maritime Services (RMS)*

The original DA was referred to the RMS pursuant to Clause 104 (Traffic Generating Development) of State Environmental Planning Policy (Infrastructure) 2007. Traffic management comments were subsequently received from RMS and were incorporated into the development consent as conditions.

The modification application was referred to the RMS pursuant to Clause 120 of the Environmental Planning and Assessment Regulation 2000. No objections to the modification application were raised by the RMS.

**FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

**CONCLUSION**

The modification application has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, Section 96 Modification Application 265(2)/2012 is recommended for approval subject to the modified conditions contained in this report.

**RECOMMENDED**

**That the Panel approve Section 96 Modification Application 265(2)/2012 for the reduction of retail and business premises floor areas, an increase in the floor area of office premises, modification of the building floor plate and an alternative basement car park noise control measure for Oran Park Town Centre Stage 1 subject to the modified conditions contained in this report.**



## Modified Conditions:

### 1.0 - General Requirements

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

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan Development No.	Description	Prepared by	Dated
DA00D, DA01D, DA02D, DA03D, DA04D, DA05D, DA06D, DA07D, DA08D	Development Plans	The Buchan Group	5 October 2012
L06002.57A Revision 01 Drawings 000, 001, 002, 101, 102, 103, 104,, 105, 701, 702	Civil Plans (as amended)	Brown Consulting	5 October 2012
L01E, L02E, L03E	Landscape Masterplan	JMD Design	2 October 2012
G-1000, G-3000, G-3001	Signage Locations Plan	The Buchan Group	12 March 2012
Issue 5 – H000, H001, H100, H101, H102, H103, H104, H105, H300, H301, H302, H400, H401, H402, H500, H501, H502, H503, H504	Hydraulic plans	INSYNC Services	5 October 2012
Revision B	Section 96 of Statement of environmental effects and appendices	Development Planning Strategies	10 October 2012
Oran Park Town Centre – Review of Tyre Squeal Noise	Assessment Statement from Acoustic Logic	Acoustic Logic	27 February 2013

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

**(This condition was modified by Section 96 Modification 265(2)/2012).**

- (2) **Amendments to Approved Plans** - The amendments indicated and described below must be incorporated in the overall development and must be reflected in any plans prepared for the purpose of obtaining a Construction Certificate:
- (a) removal of the boom gates as part of this application. Installation of boom gates is subject to a separate development application being lodged with the Consent Authority;
  - (b) drainage covers, grates and any other visible infrastructure shall not be located in vehicle crossings in existing or future public roads; and
  - (c) To reduce visual bulk and blank appearance, pre-cast concrete panels, denoted on elevations 1 and 2 of Buchan plans DA-07 Issue D, and described as principle finishes material "I" must be painted in a range of colours that are complementary to the colour scheme approved for this development.

**(This condition was modified by Section 96 Modification 265(2)/2012).**

- (3) **Individual Tenancies** - Approval is given for the construction of a retail/commercial centre. The fit out, use and occupation of all individual tenancies are subject to a separate development application being lodged with the Consent Authority.
- (4) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (5) **Access For People With Disabilities** - Access for people with disabilities shall be provided in accordance with the requirements of Part D3 of the Building Code of Australia. Prior to the issue of a Construction Certificate, the plans shall be amended to reflect the above.
- (6) **Advertising Signs Application** - Outdoor advertising signs require prior development consent. A development application must be submitted and approval granted by Camden Council prior to the erection of any advertising signs. Location of any signage shall be in generally accordance with Signage Location Plans G-1000, G-3000, G-3001 prepared by The Buchan Group and dated 12 March 2012.
- (7) **Prescribed Conditions** - The Applicant shall comply with the prescribed conditions of development consent under Clause 98 of the Environmental Planning and Assessment Regulations 2000.

## **2.0 - Construction Certificate Requirements**

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

- (1) **Oran Park Voluntary Planning Agreement (VPA)** – The development shall be undertaken in accordance with the terms and conditions of the Voluntary Planning Agreement (VPA) made between Camden Council, Greenfields Development Company Pty Ltd, Greenfields Development Company No. 2 Pty Ltd and Landcom, pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, dated 22 September 2011.

The VPA specifies that the developer has agreed to provide the following (at various stages of final lots):

- Library (3,000th final lot)
- Leisure Centre (3,500th final lot)
- Community Park (75% of final lots)

Contributions – The following monetary contributions must be indexed to the Consumer Price Index paid prior to issue of the Construction Certificate.

- \$722.00 per additional hectare, total \$2,689.00, for Administration.

- (2) **Special Infrastructure Contribution** – Where require, prior to the issue of any Construction Certificate, the applicant must submit to the Consent Authority written evidence from the Department of Planning and Infrastructure that a special infrastructure contribution has been 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).

Information on the Special Infrastructure Contribution can be found on the Department of Planning and Infrastructure's website: [www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx](http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx).

- (3) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with:
- (a) Camden Council's current Engineering Specifications;
  - (b) Camden Council's Development Control Plan 2011; and
  - (c) Oran Park Development Control Plan 2007.

It should be noted that designs for line marking and regulatory signage associated with any proposed road within this development must be submitted to and approved by the Local Traffic Committee of Camden Council.

- (4) **Drainage System** - Prior to the issue of a Construction Certificate, the certifying authority must ensure that the proposed drainage system has been designed in accordance with the requirements of AS3500 National Plumbing and Drainage Code.
- (5) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Oran Park Development Control Plan 2007, Camden Council's Development Control Plan 2011 and Engineering Specifications, and are to be submitted for approval to the Principal Certifying Authority prior to the Construction Certificate being issued.

**Note:**

- (a) Under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
- (6) **Traffic Management**
  - (a) The development must be designed and operated in accordance with RTA Roads and Maritime Services (RMS), Sydney Regional Development Advisory Committee letter dated 1 May 2012, points numbered 3 through 22 (inclusive).
  - (b) Provision of a "temporary" break in the median of Peter Brock Drive to enable delivery vehicles exiting the loading dock area to turn right (south) onto Oran Park Drive until an alternative road network is developed to allow for circulating traffic movements.
  - (c) Signage to be provided (subject to Local Traffic Committee concurrence) along Oran Park Drive preventing the right turn by trucks into Central Avenue and South Circuit.
- (7) **Parking Spaces** - A minimum of 484 off street car parking spaces must be provided on-site at all times for the operation of this development. These spaces, and associated access driveways and manoeuvring areas, must conform with Camden Development Control Plan (DCP) 2011 and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and Camden Council's standards. Documentary evidence of compliance from an Accredited Certifier/suitably qualified person must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

**(This condition was modified by Section 96 Modification 265(2)/2012).**

- (8) **Vehicular Area Design Standards** - The internal driveway and car parking area must be designed in accordance with AS2890.1-1993 off-street carparking.

Design of the private internal "Main Street" shall be prepared by a suitably qualified person in civil design and must be endorsed by a practising Traffic Engineer prior to the issue of a Construction Certificate.

- (9) **Turning Facilities** – All turning and manoeuvring facilities, including turning heads, cul-de-sac, etc. shall be designed in accordance with the current edition of AS 2890.2 and in accordance with Oran Park Development Control Plan 2007.
- (10) **Roads Act 1993 Consent** - Prior to the issue of a Construction Certificate, for work in road reserves, consent pursuant to s.138 of the Roads Act 1993 must be obtained from the Roads and Maritime Services and Camden Council for the design and construction of all the proposed work in, on or over the road reserves adjacent to the subject site.

The design must include, but not be limited to, plans/documents associated with:

- (a) the construction of kerb and gutter, road shoulder and drainage;
- (b) footway formation;
- (c) public utility service adjustment or installation; and
- (d) an Environmental Site Management Plan.

Further, all such plans and documents associated with the design must be certified by:

- (a) persons who are suitably accredited by a scheme approved by the NSW Department of Planning, or where no scheme exists;
- (b) persons who are suitably qualified, are specialists and in that regard, currently practising in that specialist area; or
- (c) in the case of a Public Utility Authority, an appropriately delegated officer of that Authority or accredited person by that Authority;

and prepared in accordance with Camden Council's current Engineering Design Specifications.

- (11) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 - 2009 and to the requirements and approval relevant road authority. Plans and proposals must be approved prior to the Construction Certificate being issued.



- (12) **Loading Dock Acoustic Barrier Height and Location** – An acoustic barrier of 1800mm in height must be constructed (in accordance with L-01 and L03 prepared by JMD Design) adjacent to Peter Brock Drive. The barrier can take the form of a landscape mound and must extend along the entire length of the loading dock and truck manoeuvring zone of the site. The construction materials used for the acoustic barrier can include earth, lapped and capped timber, masonry, 6mm fibre cement, 18mm plywood or a combination of the above. All joints must be airtight and the barrier must have no gaps at the bottom.
- (13) **Neoprene Rubber Buffers** – Neoprene rubber buffers are to be fitted to the vertical face of all loading docks to absorb impacts from items being loaded and unloaded.
- (14) **Car Park Noise Control** – All "off-street" car parks that includes any "basement" car parks must have a "coved finish" with "Slabseal 2000 SR sealant" applied to the concrete floor. The "coved finish", and "sealant" must be suitably maintained on the floor of all "off-street" and "basement" car parks at all times to a standard or level that eliminates tyre squeal noise from being audible.

**(This condition was modified by Section 96 Modification 265(2)/2012).**

- (15) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:
- (a) all matters associated with Council's Erosion and Sediment Control Policy;
  - (b) all matters associated with Occupational Health and Safety;
  - (c) all matters associated with Traffic Management/Control; and
  - (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (16) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council prior to the issuing of the Construction Certificate.

The survey must include descriptions of each photo and the date when each individual photo was taken.

- (17) **Damage to Public Infrastructure** – All public infrastructure that adjoins the development site on public land shall be protected from damage during construction works.

Public infrastructure includes roadways, kerb and guttering, footpaths, service authority infrastructure (such as light poles, electricity pillar boxes, telecommunication pits, sewer and water infrastructure), street trees and drainage systems.

The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. Where existing damage is present, a dilapidation survey of Council's assets, including photographs (with evidence of date) and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of construction works.

The applicant shall bear the cost of all restoration works to public property damaged during the course of this development. Any damage to public infrastructure will be required to be reinstated to Council's satisfaction prior to the issue of a Final Occupation Certificate.

- (18) **Performance Bond** - Prior to the issue of the Construction Certificate, a performance bond of \$25,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (19) **Public Risk Insurance Policy** - Prior to the issue of the Construction Certificate, the owner or contractor is to take out a Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
- (20) **Civil Engineering Details** - The developer must submit details of all engineering works on engineering plans to the Certifying Authority for approval prior to a Construction Certificate being issued.
- (21) **Stormwater Detention** - An onsite detention system must be provided to restrict the stormwater discharges for the bank full flows (2-year ARI) in accordance with the overall stormwater detention strategy (Brown 2007, Oran Park Precinct Masterplan Stormwater Quantity Management & Flooding).
- (22) **Water Quality Measures** - The proposed surface water collection and disposal systems must incorporate adequate silt traps, grit and oil arrestors.

Only uncontaminated stormwater must be discharged to the stormwater drainage system. Details of the silt traps and grit arrestors must be shown on the submitted engineering plans prior to the Construction Certificate being issued.

- (23) **Design of “Construction” On-site Detention/Sediment Control Basin** - The design of the “construction” on-site detention/ sediment control basin and water quality facility must be prepared in accordance with the requirements of:

- (a) for sediment control generally, Managing Urban Stormwater – Soils and Construction, Volume 1, 4th Edition, March 2004 as produced by Landcom;
- (b) Camden Council’s current Engineering Design Specification, and Oran Park Development Control Plan 2007;
- (c) and must not concentrate final discharge flows from the facility.

The construction of the on-site detention/sediment control basin must contain an impervious layer to provide water harvesting.

The design must be prepared and certified by an Accredited Certifier and must be submitted to the certifying authority for inclusion in any application for a Construction Certificate.

- (24) **Safer By Design (CPTED) Requirements** - Prior to the issue of the Construction Certificate, all recommendations contained in the Safer By Design Report must be addressed and be reflected in all relevant plans submitted with the Construction Certificate Application.

The development must be designed in accordance with the NSW Police Service, Camden Local Area Command and Safer By Design Crime Risk Evaluation Report applying to this development, dated 13/04/2012, excluding reference to “Main Street” under the heading Space / Activity Management.

- (25) **Rainwater Harvesting and Reuse** – A suitable rainwater treatment process to be incorporated into a Management Plan must be provided to the certifying authority prior to the issue of a Construction Certificate. The treatment process and management plan must demonstrate how harvested rainwater will be kept to a high quality when in storage and be fit for the intended use.

- (26) **Detailed Landscaping Plans** - Prior to the issue of the Construction Certificate, detailed landscaping plans for all public and private open space areas must be submitted with the Construction Certificate application and must comply with Camden Council’s current Engineering Design Specifications and Part B1 of Oran Park Development Control Plan 2007 and Oran Park Town, Public Domain Manual, May 2011.

The detailed landscaping plans should be prepared by a qualified Landscape Architect.

The following items listed must be included with other landscaping elements:

- (a) Nature strip street trees are to be installed:
  - (i) ensure that the street tree installation procedures and the street tree establishment schedules are clearly shown in the detailed landscaping plans;
  - (ii) Eucalyptus, Angophora, Araucaria and other very large trees are not to be installed in any public open space road median, road verge or nature strip area without approval from Camden Council;
  - (iii) that all the street trees are advanced size at installation, are not multi-stemmed and can stand alone without the need for staking.
- (b) The detailed landscaping plans must clearly show that any proposed entry feature, statement feature wall, or entry statement signage are not positioned on any public open space areas, such as the nature strip or other public open space area. Any entry statement feature is to be positioned wholly within the boundaries of private open space areas.
- (c) The detailed landscaping plans lodged for the issue of the Construction Certificate must include a planting schedule. The schedule must clearly detail the planting positioning, species by botanical and common names, quantities and planting sizes.

- (27) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the Applicant will have a 24 month establishment and maintenance responsibility for all hard and soft landscaping elements within the public and private open space landscaped areas associated with this Consent.

During the maintenance and establishment period, the Applicant is responsible for the establishment, care and repair of all street tree installations, softscape elements such as plantings and lawn, hardscape elements including paths, paving, walls, bins, seats, BBQ's, shelters, bubblers, street art, playground equipment, soffall treatments etc.

The Applicant is also responsible for any water, lighting, electrical or other service usage costs that is incurred during the 24 month maintenance and establishment period for the landscaped areas.

The DPC 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.

It is the Applicant's responsibility to arrange a site inspection with the Principal Certifying Authority upon initial completion of the landscaping works, to determine and agree upon an appropriate DPC.

Prior to Council accepting maintenance responsibility for the public open space landscaped areas, all hard and soft landscaping elements (including any nature strip, road median, road verge areas, street trees, root barriers, street tree protective guards and bollards) must 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 must comply with the approved detailed landscaping plans.

(28) **Street Trees, Their Tree Root Barrier Guards, Protective Guards and Bollards** - During any earthworks, development works and Landscaping maintenance and establishment period relating to this Consent, the Applicant is advised:

- (a) that any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred;
- (b) any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers are to be completed with the same type, species, plant maturity, materials and initial installation standards, and the works and successful establishment of the trees carried out prior to the completion of the 24 month maintenance and establishment period.

(29) **Cooling Towers**

- (a) Cooling Tower Design / Construction / Installation – all water cooling system proposed for the site shall be designed, constructed and installed in accordance with AS 3666.1:2002, the Public Health Act 1991 and Public Health (Microbial Control) Regulation 2000 before being commissioned.
- (b) Cooling Tower Operation – all water cooling system shall be operated and maintained in accordance with AS 3666.2:2002, (or AS 3666.3:2000 subject to prior notification to Council) the Public Health Act 1991, and Public Health (Microbial Control) Regulation 2000.



- (c) Public Health (Microbial Control) Regulation - prior to the issue of the Occupation Certificate, the owner must make application to the Consent Authority (ie Camden Council) for registration of the cooling tower/s.
  - (d) Cooling Tower Certification – an annual certificate as stipulated in Clause 9(2) of the Public Health (Microbial) Regulation 2000 that certifies the effectiveness of the process of disinfection used for the water cooling system, be submitted to Council prior to the period ending 30 June each year.
- (30) **Transmission Line** – In the event that there has been no consent by Endeavour Energy, any requirements of Endeavour Energy to protect their line and public safety, are to be complied with.

### 3.0 - Prior To Works Commencing

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

- (1) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water. A s73 Certificate shall be submitted to the PCA prior to the release of the Occupation Certificate.
- (2) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point
- (3) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

## 4.0 - During Construction

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

- (1) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
  - (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
  - (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
  - (c) work on Sunday and Public Holidays is prohibited.
- (2) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
  - (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
  - (b) 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 the site;
  - (c) 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;
  - (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
  - (e) a waste control container shall be located on the development site.
  - (f) 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.

- (3) **Civil Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following stages of construction:

- (a) prior to installation of sediment and erosion control measures;
- (b) prior to backfilling pipelines and subsoil drains;
- (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, accessways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
- (d) proof roller test of subgrade and sub-base;
- (e) roller test of completed pavement prior to placement of wearing course;
- (f) prior to backfilling public utility crossings in road reserves;
- (g) prior to placement of asphaltic concrete;
- (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates stating that all work has been carried out in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications must be submitted to Council prior to the issue of the Subdivision/Occupation Certificate.

- (4) **Fill Material** – Prior to the importation and/or placement of any fill material (VENM permitted only) on the subject site a validation report and sampling location plan for such material must be submitted to the Principal Certifying Authority for approval and concurrence.

The validation report and sampling location plan must be prepared:

- i) by a practising Engineer with National Professional Engineering Registration and with a Specific Area of Practice in Subdivisional Geotechnics, and
- ii) in accordance with:
  - a) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
  - b) the Department of Environment and Conservation – Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) – Soil Investigation Levels for Urban Development Sites in NSW",
- iii) and confirm that the fill material:

- a) provides no unacceptable risk to human health and the environment;
- b) is free of contaminants;
- c) has had salinity characteristics identified in the report;
- d) is suitable for its intended purpose and land use, and
- e) has been lawfully obtained.

The sampling for salinity of fill volumes less than 6000m<sup>3</sup> must provide for 3 sampling locations; fill volumes exceeding 6000m<sup>3</sup>, require one sampling location for each additional 2000m<sup>3</sup>. A minimum of 1 sample from each sampling location must be provided for assessment.

The sampling for contamination should be undertaken in accordance with the following table:

Classification of Fill Material	No. of samples per volume	Volume of fill (m <sup>3</sup> )
Virgin Excavated Natural Material	1 (see note 1)	1000

*Note: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.*

- (5) **Waste Management Plan Construction and Demolition** – Construction and demolition waste shall be managed in accordance with the “Waste Management Plan: Construction and Demolition, Oran Park Town Centre, prepared by Waste Audit and Consultancy Services, dated January 2012,” with the exception of: the crushing of plasterboard materials and reuse in landscaping is prohibited, and greywater is not permitted to be used for site irrigation or dust suppression.
- (6) **Salinity Management Plan** - All proposed works that includes earthworks, imported fill and landscaping, buildings and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with “Section 13.0 - Salinity Management Plan” contained within report “Salinity Assessment Report: Town Centre Tranche 20 Oran Park Precinct, prepared by Ground Technologies, Ref No GT 1636b, dated April 2012”, except as expressed in the following:
  - (i) with reference to AS2159-2009: Piling design and installation, Table 6.4.3, Concrete Strength And Reinforcement Cover In Piles, a concrete strength of 32 MPa with a minimum reinforcement cover of 60mm will be required for the site;

- (ii) with reference to AS2159-2009: Piling design and installation, Table 6.5.3, a corrosion allowance of 0.01-0.02 (mm/year) for mildly aggressiveness to steel piles must be used.
- (7) **Construction Noise Levels** – Noise levels emitted during remediation works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual.

This manual recommends:

Construction period of 4 weeks and under

The L10 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).

Construction period greater than 4 weeks

The L10 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).

*Note: The assessment of noise for compliance purposes should be measured from the boundary of the most affected residence.*

- (8) **Vibration** – All potential vibration impacts during the construction and operation phases for the development must comply with the requirements of the NSW DECC's Environmental Noise Management: Assessing Vibration : A Technical Guideline (2006).

## **5.0 - Prior To Issue Of Occupation Certificate**

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Fire Safety Certificates** - Pursuant to clause 168 of the Environmental Planning and Assessment Act Regulation 2000, the following is a schedule of existing and/or proposed fire safety measures required to be installed in the building, and the minimum standard to which these measures shall be designed and maintained.

On completion of the building works and prior to occupation of the building, the owner of the building shall furnish to Council a Fire Safety Certificate for each fire safety measure in the building.

The owner of the building shall then furnish Council with a Fire Safety Statement annually for each fire safety measure in the building.



- (2) **Redundant Crossings** - All redundant gutter crossings and footpath crossing must be reinstated to the existing standards on the road.
- (3) **Damaged Assets** – Any work and public utility relocation within a public place shall incur no cost to Council.
- (4) **Survey Report (Completion)** - A survey report prepared by a registered Land Surveyor shall be provided upon completion of the building. The survey report shall be submitted to the Principal Certifying Authority upon completion of the building and prior to the issue of an Occupation Certificate.
- (5) **Works As Executed Plan** - Prior to the Occupation Certificate being issued, a works-as-executed plan must be submitted to the Principal Certifying Authority in accordance with Camden Council's current Engineering Construction Specifications.
- (6) **Structural Certification (Completed Building)** – Prior to the issue of an Occupation Certificate, a certificate prepared by a practising Structural Engineer certifying the structural adequacy of the building shall be submitted to the Principal Certifying Authority.
- (7) **Services** - All services (water, sewer, electricity, telephone and gas) to all allotments are to be installed and fully operational prior to an occupation certificate being issued.
- (8) **Environmental Management and Performance of Centre** - Prior to the issue of an Occupation Certificate the proponent shall prepare an Operational Management Plan demonstrating how the overall sustainability performance of the centre will be monitored. The plan shall also outline how centre management propose to engage tenants, staff, customers and the community on the features and sustainable performance of the centre, as required by Part B1 of Oran Park Development Control Plan 2007

A report shall be submitted to Council within one year of the Occupation Certificate demonstrating how the development complies with the mandatory controls as set out in Part B1 of Oran Park Development Control Plan 2007 and Oran Park Sustainability Development Control Plan.

## 6.0 - Subdivision Certificate

The following conditions of consent shall be complied with prior to Council or an Accredited Certifier issuing a Subdivision Certificate.

- (1) **Section 88b Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:

- (a) easement for services;
- (b) easement to drain water;
- (c) drainage easement over overland flow paths;
- (d) easement for on-site detention;
- (e) easement for water quality;
- (f) right of carriageway and easement for services and drainage be provided over the proposed private internal road in favour of the public utility. The owners of the subject properties burdened by the right-of-way and easements shall be responsible for ongoing maintenance and public liability.

## 7.0 - Operational Conditions

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

- (1) **Hours of Operation (Trading)** - The trading hours of operation for the approved land uses and areas open to the public are Monday to Sunday (inclusive), 7.00am to 12.00 midnight.

Any alteration to these hours will require the prior approval of the Consent Authority.

- (2) **Off-Street Car Parking** – A minimum of 484 car spaces to be maintained at all times.

**(This condition was modified by Section 96 Modification 265(2)/2012).**

- (3) **Loading Dock Delivery Hours and Restrictions** – Delivery vehicles are permitted with restrictions to use the loading dock between the hours of 7.00am and 10.00pm on any day of the week.

The use of the loading dock may be used by supermarket delivery vehicles 24 hour / 7 days per week but subject to the following restrictions:

- (a) 5.00am – 6.00pm: Maximum two truck visits per 15 minutes (4 movements – 2 in and 2 out) and a maximum of two van visits per 15 minutes;

- (b) 6.00pm – 10.00pm: Maximum one truck visit per 15 minutes (2 movements – 1 in and 1 out) and a maximum of one van visits per 15 minutes;
  - (c) 10.00pm – 5.00am: Maximum one truck visit per 15 minutes;
  - (d) all delivery vehicles must have their engines turned off whilst unloading;
  - (e) subject to Workcover and OH&S requirements, in order to reduce noise impacts, delivery vehicles must not operate at night-time with reversing alarms. These vehicles must operate with the aid of reversing cameras and visual monitors or similar quiet equipment.
- (4) **Delivery Route** - Delivery vehicles exiting the loading dock areas shall use Peter Brock Drive and Oran Park Drive.
  - (5) **Bailers/Garbage Compactor Restrictions** – Bailers and/or garbage compactors are only to be used in the loading dock area between 7.00am and 10.00pm, Monday to Saturday, and 8.00am to 10.00pm on Sundays and Public Holidays.
  - (6) **Offensive Noise** - The use of the area shall not give rise to any nuisance to adjoining properties or an offensive noise as defined in the POEO Act.
  - (7) **Graffiti Management Plan** - A graffiti management plan needs to be incorporated into the maintenance plan for the development. All graffiti shall be removed within 48 hours of the offence.