

Conditions 709-2013-HC with amendments in yellow.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent. No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required

The amendments in red include: -

- Decorative treatments are to be provided to screen lower level parking areas and under vehicular ramps. Details are to be provided prior to issue of Construction Certificate;
- An inward swinging gate is to be erected prior to the occupation and use of the premises, fitted with a lock that can be opened by NSW Fire & Rescue to allow perimeter access around the premises in an emergency;
- The Liquor Store loading dock driveway is to be reduced in width to comply with Figure 3.1 "Minimum design for an access driveway on a minor road catering for HRV's and AV's of AS 2890.2-2002." Details are to be submitted with the Engineering Construction Certificate.

REFERENCED PLANS

DRAWING NO	DESCRIPTION	REVISION	DATE
DA 10	Proposed Site Plan and Roof Plan	B	27/03/2013
DA 12	Proposed Lower Level Carpark (North)	F	08/04/2013
DA 13	Proposed Lower Level Carpark (South)	F	08/04/2013
DA 14	Proposed Ground Floor Level (North)	D	08/04/2013
DA 15	Proposed Ground Floor Level (South)	A	13/12/2012
DA 16	Mall and Coles Elevations	C	27/03/2013
DA 17	First Choice Liquor and Kmart Auto Elevations	A	13/12/2013
DA 18	Sections	C	27/03/2013
DA 22	Signage Schedule	A	13/12/2013
101	Landscape Plan	G	12/12/2013
102	Landscape Plan	I	12/12/2013
501	Landscape Details	G	12/12/2013

2. External Finishes

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

3. Provision of Parking Spaces

The development is required to be provided with 540 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

4. Compliance with Office of Water Requirements

Compliance with the requirements of the Office of Water attached as Appendix (A) to this consent and dated 06 February 2013.

5. Compliance with NSW Roads and Maritime Services Requirements

Compliance with the following requirement of the Roads and Maritime Services

- i The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002 for heavy vehicle usage.

6. Separate Development Application for Occupations (Non Retail)

A separate development application is required for the occupation of any non retail uses of the approved tenancies. This application is required to provide assessment against:

- Local Environmental Plan 2012; and
- Baulkham Hills Development Control Plan 2012

The above assessment should specifically address the following:

- Proposed use and its Permissibility
- Hours of Operation
- Delivery Details
- Staff Numbers
- Signage, and
- Parking Provision

7. Tree Removal

Approval is granted for the removal of trees shown on the landscape plan prepared by Site Image.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

8. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

9. Separate Application for Strata Subdivision

A separate application must be submitted for any proposed strata titled subdivision of the approved development.

10. Supervision of Works

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisors name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve. A construction programme and anticipated duration of works must be submitted to Council prior to works commencing in the road reserve.

11. Public Liability Insurance

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

12. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Wilkinson and Murray Pty Ltd, referenced as Report No. 12225, dated December 2012 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- 5.1.1 – Fixed Mechanical Plant and Equipment – The installation of a 2 metre high acoustic wall on the northern side of condenser deck for Coles AC-PAC 1.
- 5.1.2 Acoustic Walls
 - Figure 5.-1 Car park Acoustic Wall 3m high
 - Figure 5 – 2 loading dock Noise Barrier – The height of this wall is to be 2.6 metres not 1.8 metres as stated in the report.

13. Stormwater Treatment - Car Parks

The car parking area(s) must drain to a stormwater treatment device capable of removing litter, oil, grease and sediment prior to discharge to the stormwater system.

Details of the stormwater treatment device are to be submitted to Council.

14. Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); or
- any other waste-derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

NOTE: The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). However, a licence is not required by the occupier of the land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Department of Environment and Climate Change's website at: <http://www.environment.nsw.gov.au/waste/>

Definition of 'virgin excavated natural material' within the meaning of the POEO Act:

Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities), and that does not contain any sulfidic ores or any other waste.

Definition of 'waste' within the meaning of the POEO (Waste) Regulation:

In relation to substances that are applied to land, the application to land by:

- (a) spraying, spreading or depositing on the land, or
 - (i) ploughing, injecting or mixing into the land, or
 - (ii) filling, raising, reclaiming or contouring the land,
- (b) in relation to substances that are used as fuel, all circumstances.

See Clause 3B of the Regulation for exemptions.

15. Stockpiles

Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water, to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

16. Litter Control

A sufficient number of litter bins must be provided on the premises for litter disposal.

17. Noise to Surrounding Area

There shall be no amplified music or speakers external to the building.

18. Waste Storage and Separation – Demolition and Construction

The reuse and recycling of waste materials must be maximised during demolition and construction. The separation and recycling of the following waste materials is required:

- (1) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- (2) Timber waste to be separated and sent for recycling;
- (3) Metals to be separated and sent for recycling;
- (4) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- (5) Mixed waste (plastic wrapping, cardboard etc) to be sent to a licenced recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds onsite. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

19. Surplus Excavated Material

The disposal/landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorised disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual receipts verifying recycling/disposal must be kept and presented to Council when required.

20. Garbage Collection

Collection of waste and recycling material, generated by the premises, must not cause nuisance or interference with the amenity of the surrounding area.

21. Waste Collection

Waste and recycling material, generated by the premises, must only be collected between the hours of 6am and 10pm except for Sundays and public holidays, where collection shall be between 8am and 10pm.

22. Waste Management

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.

The waste storage area must be:

- i) provided with a hose tap connected to the water supply;
- ii) paved with impervious floor materials;
- iii) graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- iv) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
- v) fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

23. Protection of Public Infrastructure

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

24. Vehicular Access and Parking

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps is required, with their design and construction complying with:

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) DCP Part C Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. All driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

25. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

26. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

27. Clause 94 Upgrading

Under clause 94 of the Environmental Planning & Assessment Regulation, the following fire safety works are to be undertaken with the construction certificate works and prior to the issue of the occupation certificate:

Recommended upgrade works as detailed in correspondence by Blackett Maguire + Goldsmith, dated 9/4/13, this being :

- Upgrade all hydrant landing valves to ensure that they are fitted with Storz aluminium delivery couplings as required by AS 2419.1 – 2005
- Upgrade all exit signage to pictogram signage as required by AS 2419.1 – 2005
- Ensure all hydrant and hose reel cupboards are maintained clear of storage
- Ensure all egress routes are maintained clear of storage

In addition to this, the following existing fire safety measures are to be upgraded to the current BCA :

Automatic fire detection and alarm system – AS 1670.1 – 2005

Emergency lighting & Exit signs – AS 2293.1 - 2005

Fire Hydrant system – AS 2419 - 2005

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

28. Sediment and Erosion Control Plan

A sediment and erosion control plan prepared in accordance with Council's Works Specification Subdivision/ Developments must be submitted. The plan must include:

- a) Allotment boundaries;
- b) Adjoining roads;
- c) Contours;
- d) Existing vegetation;
- e) Existing site drainage;
- f) Critical natural areas;
- g) Location of stockpiles;
- h) Erosion control practices;
- i) Sediment control practices; and
- j) A maintenance program for the erosion and sediment controls.

29. Registration of Drainage Easement

A suitable easement to drain water must be created over the downstream properties of Lot 35 DP 1081956 (Council) and Lot 31 DP 1016001 (Sydney Water) prior to a Construction Certificate being issued in accordance with the letter of authority from the downstream property owner. The width of the drainage easement must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited. A copy of the registered easement plan and associated 88B Instrument must be submitted to Council.

30. Security Bond – External Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond **or an alternative guarantee to Council's satisfaction** is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The minimum bond amount is \$10,000.00.

The bond must be lodged with Council prior to the issue of any Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon

written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

31. Engineering Works and Design

The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Variation from these documents can only be approved by Council's Manager – Subdivision and Development Certification.

Engineering works can be classified as either "subdivision works" or "building works" as categorised below:

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively. For Council to issue this approval the following must be provided:
 - a) A completed application form.
 - b) Four copies of the design plans and specifications.
 - c) Payment of the applicable application and inspection fees.
 - d) Payment of any required security bonds.
2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flowpath within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/maintenance liability with respect to these assets once completed.

A "compliance certificate" as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" can be issued by Council's Manager – Subdivision and Development Certification and not a private certifier, as discussed. Once approved, the works must be carried out under the supervision of Council's Construction Engineer in accordance with the terms attached to the issued "compliance certificate". Post construction, a further "compliance certificate" as per Section 109(1)(a)(i) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the as-built infrastructure and associated works have been carried out to the satisfaction of Council's Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.
3. Works within the development site, or adjoining private properties, that do not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so.

This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

The following engineering works are required:

i. Concrete Footpath Paving

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided in accordance with the DCP and the above documents.

ii. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

iii. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot must be provided, with an assumed impervious surface of 80%. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

Where OSD is required to be provided on each lot within the subdivision, a minimum level difference of 1m measured to the invert must be provided in the stormwater pit on each lot.

iv. Stormwater Drainage – Gross Pollutant Traps

Gross Pollutant Traps are required at the end of all stormwater drainage outlets within the site. All traps are to be CDS or similar units and appropriately sized for the design discharge. The engineering drawings must include the location and detail of all traps.

32. Construction Noise Management Plan

Prior to the issue of the construction certificate a site specific construction noise management plan is to be submitted to Council. The construction noise management plan is to be kept on site at all times during construction.

33. Waste Management Plan

Prior to work to issue of construction certificate the Waste Management Plan in relation to the construction stage of the development must be submitted to and approved by Council. The Plan shall address the following;

1. The type of waste materials;
2. The estimated volume (m3) or area (m2) of waste materials;
3. The proposed reuse or recycling methods
4. Waste contractor information;
5. Address of recycling outlet(s) and/or landfill site(s).

The Western Sydney Recycling Directory is available to assist the applicant in selecting appropriate contractors and facilities. The Directory may be obtained from Council's website www.thehills.nsw.gov.au.

34. Works on Adjoining Land

Where the engineering works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate is issued.

35. Stormwater Discharge Acceptance

Where the engineering works included in the scope of this approval necessitate the discharge of stormwater onto adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate is issued.

36. Stormwater Drainage to Natural Watercourse

Stormwater connections to a natural watercourse must be approved by the NSW Office of Water.

37. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$51,200.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works.

The bond must be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

38. Bank Guarantee Requirements

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 709/2013/JP.
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

39. Prior or Concurrent Registration of Preceding Subdivision

A Construction Certificate cannot be issued for this development before a Subdivision Certificate has been registered with the NSW Land and Property Information for the preceding subdivision pursuant to Development Consent DA 212/2010/ZA/A.

40. Construction Management Plan

Prior to the Issue of a Construction Certificate, a Construction Management Plan is to be submitted to Council's Manager Development Assessment for approval addressing the provision of on-site parking and access arrangements during construction.

PRIOR TO WORK COMMENCING ON THE SITE

41. Controlled Activity Authority – NSW Office of Water

A copy of the Controlled Activity Authority required to be obtained from the NSW Office of Water must be submitted to Council prior to work commencing on site.

42. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

43. Traffic Control Plan

A Traffic Control Plan is required to be prepared in strict compliance with the requirements of AS 1742.3 and the current RMS Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RMS accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

44. Erection of Signage – Supervision of Work

In accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

- a) The name, address and telephone number of the Principal Certifying Authority (PCA). Where Council is the nominated PCA for the development, the following is to be displayed:

The Hills Shire Council
PO Box 75
CASTLE HILL NSW 1765
Phone (02) 9843 0555
- b) The name of the person responsible for carrying out the works;
- c) A telephone number on which the person responsible for carrying out the works can be contacted after hours;
- d) That unauthorised entry to the work site is prohibited.

This signage must be maintained while the subdivision work is being carried out and must be removed upon completion.

45. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites.

The Tree Management team shall be advised in writing of the engagement of project arborist prior to issue of construction certificate.

At a minimum a 1.8m high chain-wire fence is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

46. Pre-Construction Public Infrastructure Dilapidation Report

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

- a) Designated construction access and delivery routes; and
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

47. Contractors Details

In accordance with Section 109E(3) of the Environmental Planning and Assessment Act 1979, the contractor carrying out the subdivision works must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

DURING CONSTRUCTION

48. Rock Breaking Noise

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 3pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity will also be required to be submitted to Council seven (7) days of receiving notice from Council.

49. Construction Noise

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline* published by the Department of Environment and Climate Change (July 2009).

50. Loading Dock Acoustic Wall Height

The Acoustic Wall located at the loading dock is to be constructed to a barrier height of 2.6m and be built out of materials with an Acoustic rating of Rw greater than 25.

51. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

52. Construction Noise

If construction noise exceeds the Noise Objectives outlined in Table 7.2 of the Acoustic Report prepared by Wilkinson and Murray, dated December 2012, and submitted with the application and Council receives verified complaints regarding construction noise, then the rear 3 metre Acoustic Wall will be required to be constructed as soon as practicable following completion of bulk excavation works and/or another form of noise mitigation will be required and agreed to by Council.

53. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

54. Engineering Construction Inspections

Construction inspections are required for the engineering works included in this consent at the completion of the following inspection stages:

- a) Prior to commencement of work;
- b) Traffic control to AS 1742-3;
- c) Bedding of pipes in trenches;
- d) Trench backfill within roads;

- e) Formwork for concrete structures;
- f) Sub-grade proof roller test;
- g) Proof roller test for kerb;
- h) Sub-base course proof roller test;
- i) Base course proof roller test;
- j) Prior to placing of fill;
- k) Road crossing;
- l) Final inspection; and
- m) Asphaltic concrete surfacing.

The inspection of works approved by Council can only be carried out by Council. An initial site inspection is required prior to commencement of works. 24 hours notice must be given for all inspections.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

55. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled Report No 1225 prepared by Wilkinson and Murray dated December 2012.

Certification is to be provided to Council as to the correct installation of components and that the required criteria's have been met.

56. Works as Executed Plans

Works as Executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the engineering works are complete. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments on a copy of the approved engineering plans. An electronic copy of the WAE plans, in ".dwg" or ".pdf" format, must also be submitted.

Where applicable, the plans must be accompanied by pavement density results, pavement certification, concrete core test results and site fill results.

57. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the engineering works is required to be submitted to Council. The bond will be held for a minimum defect liability period of one year and may be extended to allow for the completion of necessary maintenance or in the case of outstanding works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to a final inspection.

58. Confirmation of Pipe Locations

A letter from a registered surveyor must be provided certifying that all pipes and drainage structures are located within the proposed drainage easements.

59. Public Asset Creation Summary

A completed public asset creation summary form must be submitted with the WAE plans. A blank form can be found on Council's website.

60. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

61. Consolidation of Allotments

All allotments included in this consent must be consolidated into a single allotment before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

62. Post Construction Public Infrastructure Dilapidation Report

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets in the direct vicinity of the development site and the means of rectification for the approval of Council.

63. Landscaping Prior to Issue of Occupation Certificate

The landscaping of the site shall be carried out prior to issue of the Final Occupation Certificate (within each stage if applicable) in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with BHDGP Part D, Section 3 – Landscaping and the approved landscape plan.

64. Section 73 Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

65. Provision of Electricity Services

Submission of a compliance certificate from the relevant service provider confirming satisfactory arrangements have been made for the provision of electricity services. This includes undergrounding of existing and proposed services where directed by Council or the relevant service provider.

66. Provision of Telecommunications Services

The submission of a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.

65A. Roundabout Construction (Wrights Road)

Prior to issue of any Occupation Certificate, the roundabout on Wrights Road fronting the development site must be constructed generally as shown on the concept engineering plans prepared by Mott MacDonald Drawing No: MMD-290718-C-DR-KV-DA-0001, 0002, 0003 Revision 'A' dated 4/10/2012.

These engineering plans are for DA purposes only and are not to be used for construction. The detailed roundabout construction plans must reflect the approved concept plans and the following requirements:

- a) The design must comply with the above documents.
- b) The location of the roundabout must align with the driveway opposite as per the plans referenced above.
- c) Any road widening necessary to provide for the roundabout construction (including approaches) must be provided for from the development site as per the plans referenced above.
- d) All necessary kerb and gutter realignment must be provided including those on the southern side of Wrights Road as shown on the approved plans.
- e) Any and all adjustments required to be made to the existing entrance to Council's reserve on the southern leg of the proposed roundabout.

- f) The relocation and/ or adjustment of all services and stormwater drainage affected by the proposed works. This includes the upgrading of the existing street lighting.
- g) The reconstruction/ realignment of the existing concrete footpath paving fronting the development site. This includes the provision of access (pram) ramps.
- h) Restoration of all landscaped and/ or turfed areas affected by the works.
- i) All adjustments to the existing road pavement in order to comply with the above documents.
- j) All necessary line-marking and signposting.
- k) A 3.5m wide footpath verge must be maintained.
- l) Bends approaching ninety degrees in pipelines to be dedicated to Council are to be avoided wherever possible.

NOTE: All works associated with the construction of the proposed roundabout are to be at no cost to The Hills Shire Council.

THE USE OF THE SITE

67. Signage for stormwater drains

Signs shall be displayed and maintained adjacent to all stormwater drains within the loading dock, clearly indicating "Clean Water Only – NO wastewater or rubbish."

68. Maintenance of Car Park Stormwater Treatment Device

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps), shall be regularly maintained in order to remain effective.

All solid and liquid waste is to be collected and removed by a licenced contractor.

69. Acoustic Wall Construction

The rear 3 metre Acoustic wall is to be constructed in such a way as to ensure continuity with the current Coles acoustic wall at the rear of the site. If the Acoustic compliance testing reveals that the operational noise levels for the development are not being met, then the rear Acoustic Wall is to be increased from 3 metres to 4 metres in height or another form of mitigation agreed to by Council.

70. Operational Noise Level Limits

The Operational Noise Limits for the Development shall be in accordance with the following noise limits.

Location	Day – 6.00am to 6.00pm – Monday to Saturday 8.00am to 6.00pm Sunday and Public Holidays	Evening – 6.00pm to 10.00pm – 7 days	Night – Remaining Periods
The rear boundaries of the abutting Alessandra Drive properties	49dB(A)	44dB(A)	35dB(A)

71. Rear loading dock hours of operation and conditions of use

The hours of operation of the rear loading dock are as follows;

Deliveries to the loading docks are restricted to between 6.00am to 10.00pm, daily, seven days per week.

The access way to the loading dock is to be blocked by way of a boom gate **or** steel gate **or** chain or bollards, outside of these hours to ensure that vehicles cannot access the dock outside of the approved hours.

Any alteration to the approved hours of operation or use of the loading dock shall require a separate approval by Council.

72. Loading Dock Signage

Signage is to be provided at the loading dock stating the approved hours of operation for standard truck deliveries as well as the hours of operation for waste vehicles. This sign must also state a contact number for the afterhours security and statement for customers that they should call the number should there be a delivery outside of the approved hours.

73. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 The Control of Obtrusive Effects of Outdoor Lighting*.

74. Final Acoustic Report

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's (DECCW) - *Industrial Noise Policy* and submitted to Council for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the operational noise levels as outlined in this consent have been met.

75. Garbage Storage – Odour Control

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour.

76. 24 hour loading dock operation / delivery vehicle type

The maximum design vehicle permitted to use the 24 hour small delivery vehicle loading/unloading bay at the front of the premises is the Medium Rigid Vehicle as specified in the Australian Standard AS 2890.2 – 2002 Part 2: Off-street commercial vehicle facilities.

77. Waste Storage and Collection

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclables emanating from the premises must be stored in the designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste.

78. Shopping Trolley Management

A Shopping Trolley Management Plan shall be implemented to ensure the effective management of shopping trolley collection. The supermarket retailer shall:-

- Install a geospatial fenced trolley containment plan. All new trolleys are to be fitted with a wheel lock that is enabled before leaving a geospatial area (no access to public land). Details are to be submitted and approved by Council's Manager Development Assessment.
- Provide to The Hills Shire Council a list of contacts for the store;
- Ensure that all trolleys are easily identifiable by Council staff;
- Ensure that trolley collection services are sufficiently resourced to enable collection within agreed timeframes and at all times, including after hours;
- Ensure that trolleys reported as posing risk or nuisance are collected immediately on notification;
- Ensure that all trolleys reported are collected within the time frame agreed by Council;
- Inform customers (through clearly visible signage and other means) that trolleys should not be removed from the premises or abandoned, and that penalties apply for the dumping of trolleys outside the retail outlet/complex;
- Provide suitable, well signed trolley bays at exit points; and
- Provide to Council, on request, an up to date map showing usual trolley collection routes and schedules.

79. Hours of Operation

The hours of operation being restricted to the following: -

Coles Superstore

6am to Midnight, 7 days a week

Specialty Stores

Monday to Saturday – 7.00am to Midnight

Sunday – 8.00am to 10.00pm

Liquor Store

Monday to Saturday – 8.00am to 10.00pm

Sunday – 10.00am to 10.00pm

Tyre and Auto Service

Monday to Friday – 8.00am to 5.30pm

Saturday and Sunday – 8.00am to 3.00pm

Low noise activities such as cleaning and stacking of shelves are permitted outside of the hours above.

Any alteration to the above hours of operation will require the further approval of Council.