

Date: 24 October 2015
Responsible Officer: Julie Garratley
Location: 60 Wyong Road, TUGGERAH NSW 2259
 Lot 3 DP 1084221
UBD Reference:
Owner: Orta Pty Ltd and Westfield Limited
Applicant: Scentre Ltd
Date Of Application: 19 December 2014
Application No: DA/1179/2014
Proposed Development: Staged development under Section 83B of the Environmental Planning & Assessment Act, 1979 - Hardware and building supplies development including associated site works (Masters Homemaker Improvement Centre)
Land Area: 399000.00
Existing Use: XXXX

PROPOSED CONDITIONS

Approved Plans

- 1 The development is to be undertaken in accordance with the approved development plans and specifications listed below except as modified by any conditions of consent and any amendments in red made to the approved plans:

Title	Drawing No.	Revision	Date	Drawn By
Architectural Plans	DA01 to DADA05	K	1/6/15	Leffler Simes Architects
Signage Plans	SA00 to SA04	K	1/6/15	Leffler Simes Architects

Certificates – Application and Approval

- 2 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 3 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.

- 4 Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.
- 5 The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.
- 6 Certification of compliance with the general terms of approval of the Office of Water as outlined in its correspondence dated 10 March 2015 prior to any Occupation Certificate.

The riparian corridor is to be rehabilitated in accordance with the Office of Water general terms of approval. Rehabilitation works are to extend from the intersection of Tonkiss Street and Wyong Road, to a point 450m along the riparian corridor to the west.

Voluntary Planning Agreement

- 7 The Voluntary Planning Agreement dated between the Minister for Department of Planning and Environment and Scentre Limited and Orta Pty Ltd is to be completed in accordance with the terms of that agreement.
- 8 The Voluntary Planning Agreement is to be registered in the relevant folios of the register for the land.

Staging

This consent permits the Concept Plan and Stage 1 – Masters Homemaker Improvement Centre and excludes the draining or filling of any dams on the site.

Separate development consent will be required for the Stage 2 - Bulky Goods of the Concept Plan submitted with the application.

Prior to Release of Construction Certificate:

The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.

Acid Sulphate Soils – Investigation and Reporting Requirements

- 9 Prior to the issue of a Construction Certificate, an Acid Sulphate Soils Assessment Report and Management Plan prepared by a suitably qualified person, must to be provided for the approval of the Accredited Certifier.

Contribution Payment Requirements

- 10 Prior to the issue of any Construction Certificate, the payment to Council of developer contributions as calculated in the formula below:

$$\text{Developer contribution} = \$261,921.15 \times \text{Current CPI} \div \text{Base CPI}$$

where “**Current CPI**” is the *Consumer Price Index (All Groups Index)* for Sydney as published by the Australian Statistician at the time of payment of developer contributions pursuant to this condition, and “**Base CPI**” is the *Consumer Price Index (All Groups Index)* for Sydney as published by the Australian Statistician at the date of this consent.

This condition is imposed pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979*.

Ecology/Tree Requirements

- 11 Prior to the issue of any Construction Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species, endangered populations or ecological communities must also be marked on all plans.
- 12 Prior to release of any Construction Certificate/Commencement of Works (whichever occurs first), a suitably qualified and experienced Ecologist must prepare and submit to Council for approval a Wildlife Management Strategy (WMS). To show how mitigation against native animal welfare issues will be achieved. Works must be conducted in accordance with the approved WMS. The WMS is to include the following:
- Identification of fauna likely to occur on site and advise on management actions to minimise and mitigate any native animal welfare issues;
 - The Project Ecologist is to clearly mark each potential/actual habitat tree required to be removed;
 - A qualified and experienced consultant ecologist with the aid of a tree climber is to check the identified hollow-bearing trees for occupation by fauna just prior to removal and if safe to do so. If the hollow is occupied by any fauna species then either the species is allowed to finish its breeding cycle (if relevant) or the hollow be removed when it is unoccupied or the hollow entrances be stuffed with towels and sectionally dismantled and carefully lowered to ground to protect fauna within.
 - A hollow register is to be implemented. Clearing of hollow bearing trees is to occur outside the spring- summer breeding period for the threatened microbats identified on the site;
 - Clearing will commence with the most distant vegetation from secure habitat and progressively work toward the retained bushland in order to allow fauna to disperse;

- Any salvageable hollow logs / limbs will be carefully placed within the reconstructed riparian corridor and/or within the proposed E2 zoned area at the southern end of the site under the supervision of the Ecologist;
 - Any tree hollows removed are to be replaced with artificial nestboxes on a one for one basis for any natural hollow removed by the development and are to be made from either natural hollows or robust materials (minimum 18-20mm thick marine ply or solid timber with stainless steel or brass hinges and screws, glued using external grade glue and externally painted or stained with a non-toxic finish). Boxes are to include microbat boxes and a box suitable for the Glossy Black Cockatoo. They are to be securely fixed to trees on within the proposed E2 zoned area at the southern end of the site, using a durable external grade fixing system.
 - All nest boxes are to be erected at least three months prior to any clearing and/or removal of hollow bearing trees occurring on the development site.
 - Nest boxes are to be monitored and maintained by the Ecologist to determine their usage and to carry out repairs or replacement (as required) every six (6) months for a minimum period of three (3) years following erection. Monitoring reports are to be prepared by the Ecologist and forwarded to Council after each monitoring event.
- 13 A Construction Environmental Management Plan (CEMP) is to be prepared for the development and approved by the Accredited Certifier prior to issue of any Construction Certificate. The CEMP is to contain any mitigation measures and recommendations identified in the Ecological Impact Assessment by GHD dated December 2014.
- 14 The removal of the threatened *Melaleuca biconvexa* on the site is to be compensated at a minimum 3:1 ratio of stems to be planted for stems to be removed. Given that up to 230 stems are to be removed then at least 690 stems are to be used in replanting the riparian corridor. Source material is to be selected from the site or adjacent areas. Transplanting is not recommended as stock grown from seed appears to be more successful.
- 15 The following noxious weeds have been identified on the site and must be treated as in accordance with the requirements in the Noxious Weed Act 1993: Water Hyacinth (*Eichhornia crassipes*), Blackberry (*Rubus fruticosus* species aggregate) and Crofton Weed (*Ageratina adenophora*). Details on how this will be done are to be provided to Council prior to issue of any Construction Certificate / Commencement of Works. Once completed the Noxious Weed control works are to be certified to Council as carried out in accordance with the approved techniques by consultant ecologist.

Food Act Requirements

- 16 Prior to the issue of a Construction Certificate, detailed plans and specifications for the food handling areas are to be submitted to and approved by Council's Environmental Health Officer- Food.

Landscaping

- 17 Prior to the issue of a Construction Certificate, the landscape plan, prepared by Site Image Landscape Architects, job no. SS14-2932, dated 15/12/2013 is to be amended to reflect the final site layout and to include:
- locally occurring Keystone Species such as Swamp Mahogany (*E. robusta*), Cabbage Gum (*E. amplifolia*) and/or Flax-leaved Paperbark (*Melaleuca linariifolia*) instead of the White Box (*Eucalyptus albens*).
 - Suitable screening of the sprinkler tanks and pump room to proposed Road 2 and the customer entry/exit.
 - Details of planting to be used on green façade.

The amended landscape plan must be provided for the approval of the Accredited Certifier.

- 18 Prior to the Construction Certificate the Landscape Architect is to provide further details of the planting chambers within the carpark, particular attention is to be given to providing adequate volume of planting media to allow the selected species to reach their full landscape potential. This may include the use of structural soils or other support structures under some areas of the paved carpark. (Recommended soil volume is 5m³ per 100 mm of mature trunk diameter).

Potentially Contaminated Land Requirements

- 19 Prior to the issue of a Construction Certificate all recommended actions specified in the environmental assessment report titled "Stage 1 and Limited Stage 2 Environmental Site Assessment – Tuggerah Gateway Site Tuggerah" dated 9 February 2007, project reference 43187208 by URS Australia Pty Ltd are to be implemented.

Public Artwork Design and Approval Requirements

- 20 Prior to the issue of a Construction Certificate, the final design concept for the development's public artwork must be submitted to and approved by Council.

Roadworks - Design Requirements

- 21 Where conditions of this consent require approval from Council as the Roads Authority, a Subdivision Construction Certificate application must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

- 22 Where conditions of this consent require approval from Council as the Roads Authority with the concurrence of the RTA, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Fees and charges calculated in accordance with Council's Management Plan and must be paid prior to the issue of any consent under the Roads Act 1993. Prior to approval, the developer will be required to enter into a Works Authorisation Deed (WAD) with the RTA for any works and traffic control on State roads.
- 23 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:
- The proposed left turn lane at the roundabout and left in left out on Wyong Road shall be designed in accordance with Austroads Guide to Road Design (2010) and RMS supplements. The proposed left turn lane shall be a minimum of 30 metres in length. No direct vehicular access will be permitted to/from the Pacific Motorway M1.
 - A comprehensive design review of road and traffic issues must be addressed as part of the detailed design submission.
 - Tonkiss Street – Main site intersection (south).
 - Tonkiss Street – street stormwater drainage systems.
 - Tonkiss Street – Footway formation graded at 4% from the top of kerb to the new property boundary. Pavement marking and signage.
 - Street trees at a maximum of 15.0 metre spacing.
 - Pavement design catering for 2×10^7 equivalent standard axles.
 - The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation.
 - Any associated works to ensure satisfactory transitions to existing infrastructure.
 - The submission to Council as the Roads Authority of street lighting and reticulation design drawings. The design shall be prepared in accordance with AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting, documentation confirming a minimum of twenty (20) year design life and be approved by the Council as the Roads Authority prior to issue of a Construction Certificate.
 - Adjustment of services as required.

Required design drawings are to be prepared in accordance with Council's *Civil Works Design Guidelines* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

- 24 The submission of a comprehensive road signage and pavement marking design drawings identifying parking restrictions, accesses and traffic management facilities to Council for approval by the Local Traffic Committee prior to issue of the Construction Certificate.
- 25 Prior to the commencement of detailed design works within any public road, contact should be made with the National Community Service *"Dial before you Dig"* on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.
- 26 The submission to the Council as the Roads Authority of a detailed design Road Safety Audit for the external driveway crossings and intersections in both Tonkiss Street & Wyong Road. An audit team with at least one (1), Level 3 Road Safety Auditor (recognised on the NSW Register of Road Safety Auditors) shall prepare the audit report. Any deficiencies identified within the audit must be resolved in consultation with Council prior to the approval of design drawings.
- 27 The submission to the Accredited Certifier 'finalised' Road Safety Audit for the internal circulation roads, loading areas, pedestrian measures, internal car parks etc. An audit team with at least one (1), Level 3 Road Safety Auditor (recognised on the NSW Register of Road Safety Auditors) shall prepare the audit. Any deficiencies identified within the audit shall be resolved in accordance with the hierarchy of control commencing with eliminating the deficiency. A copy of the 'finalised' report shall be forwarded to Council for record.

Stormwater Drainage - Design Requirements

- 28 The submission to the Accredited Certifier of a detailed stormwater management plan featuring:
 - Stormwater disposal to the riparian channel located along the northern boundary.
 - The provision of an onsite stormwater detention system. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average reoccurrence interval (ARI) design storms.
 - The provision of stormwater quality control facilities to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design* prior to entering Council's stormwater drainage system.
 - Outlets to the creeks are to be designed to disperse flows and prevent scouring of the creek banks.
 - Stormwater traversing through the 'Masters' development adequately designed to cater for potential future developments to the south.

The plans must be prepared in accordance with *AS/NZS3500.3:2004* and Council's *Civil Works Design Guidelines*, and be approved by the Accredited Certifier prior to issue of the Construction Certificate. The plans shall be generally in accordance (with required amendments) with the submitted engineering plans by Henry & Hymas (refer Drawing No. 14B24, Revision 02, dated 9/12/2014).

- 29 Stormwater drainage works (channel re-diversion / upgrade) requires approval from Council under Section 68 of the Local Government Act 1993. Detailed design drawings prepared in accordance with Council's *Civil Works Design Guidelines* must be approved by Council prior to the issue of a Construction Certificate. The plan shall incorporate details of at least the following:

- Works in accordance with the NSW Office of Water General Terms of Approval
- Channel re-diversion along the northern boundary
- Retaining walls and the bridge over the riparian corridor are to be designed by a suitably qualified and experienced structural engineer.
- Piers located within the mixing chamber shall only be for the purpose of supporting the service vehicle access road.
- The mixing chamber designed to surcharge over the northern culverts (currently over the southern culverts with TOW at RL 8.00).
- Access for Council maintenance
- Scour, erosion and sedimentation measures

The plans shall be generally in accordance (with required amendments) with the submitted revised engineering plans by Mott MacDonald (refer Project No. 342845, Revision E, dated 24/8/2015). All other stormwater management works must be approved by the Accredited Certifier.

Vehicle Access and Parking - Design Requirements

- 30 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:

- Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.
- Pavement design able to withstand anticipated vehicle loading.
- The provision of appropriate kerbing to act as wheel stops adjacent to pedestrian pathways and perimeter landscaping. Adequate width is to be provided for pedestrian and mobility access.
- Suitable crash barriers provided.

The design drawings shall be prepared in accordance with the requirements of *AS/NZS 2890 – Parts 1, 2 and 6*, and be approved by the Accredited Certifier prior to the issue of a Construction Certificate.

- 31 The submission to the Accredited Certifier of lighting design drawings for the carpark and public places. The design shall be prepared in accordance with the requirements of AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting and be approved by the Accredited Certifier prior to issue of a Construction Certificate.

Water and Sewer Services - Design Requirements

- 32 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

Prior to Commencement of Works:

The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.

Ecology/Trees Requirements

- 33 Prior to works associated with the development commencing and for the duration of construction works, the following protocols are to be implemented to ensure tree and vegetation protection upon the development site:
- Trees and vegetation to be retained adjacent to the development area are to be protected by the erection of 1.8 metre-high chain wire interlocking fencing as per the engaged Arborist and/or Ecologist's direction, AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's *Civil Works Design Guidelines*.
 - Erection of tree protection measures is to be confirmed to Council's Development Ecologist in writing by the Arborist and/or Ecologist prior to commencement of works, or alternatively Council must be notified to undertake an inspection of the works.
 - All fenced tree protection areas are to be clearly marked as "No Go Area" on the fencing itself.
 - No clearing of vegetation or storage of vehicles or machinery, waste, fill or materials or unauthorised access is to occur within the fenced tree protection areas.
 - The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors.
 - The Ecologist and Arborist are to induct each civil contractor and sub-contractor in relation to the importance of these ecological protocols as part of their site induction program prior to commencement of works. Certification of this induction must be provided to Council prior to commencement of works.

- Any approved excavation or filling within a retained tree's canopy perimeter shall be in accordance with AS/NZ 4970:2009 Protection of Trees on Development Sites and Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development, as excavation or filling can lead to tree instability or death.

Erosion and Sediment Control Requirements

- 34 Prior to the commencement of construction a Soil and Water Management Plan (SWMP) prepared in accordance with the latest edition of the Landcom Publication '*Soils and Constructions- Volume 1*' (The Blue Book) shall be provided to the Principal Certifying Authority (PCA). The SWMP is to be prepared, reviewed and updated by persons suitably qualified to interpret "*The Blue Book*" or trained in the use of "*The Blue Book*" for preparation of Soil and Water Management Plans.

This SWMP shall be modified and updated during construction to reflect any changes to the on-ground/site conditions. A copy of any modifications or updates to the SWMP shall be approved by a suitably qualified person and provided to the PCA and provided to Council upon request. Further information and requirements in relation to works that Council's "Civil Construction Specification" apply, may be found in the appendix of that document.

Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent SWMP until the site is fully stabilised and landscaped. Failure to comply with this condition may result in fines under the provision of the *Protection of the Environment Operations Act*. **Filling and**

Haulage Requirements

- 35 Prior to works associated with the development commencing, details for the disposal of any spoil gained from the site and/or details of the source of fill materials to be imported to the site, are to be provided and approved by the Principal Certifying Authority.

Roads - Preconstruction Requirements

- 36 Prior to commencing any works upon public roads the developer and their contractor will be required to:
- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
 - Obtain a copy of Council's *Civil Works Design Guidelines*. This is Council's Specification for Civil Works and is available on Council's web site.
 - Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.

- 37 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Traffic Authority (RTA) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.
- 38 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

Site Requirements

- 39 Prior to works associated with the development commencing, the Principal Contractor is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development.
- 40 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
- be a standard flushing toilet connected to a public sewer system; or
 - have an on-site effluent disposal system approved under the *Local Government Act 1993*, or be a temporary chemical closet approved under the *Local Government Act 1993*, supplied by a suitably licensed contractor.
- 41 A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works.
- 42 Prior to works associated with the development commencing, an application for a Hoarding Permit, including the payment of fees in accordance with Council's Management Plan must be completed prior to the erection of any hoarding/safety fencing associated with the development.

During Construction Works:

The following conditions must be satisfied during construction works.

Acid Sulphate Soils – Construction Requirements

- 43 Upon completion of excavation works, documentary evidence is to be provided for the approval of the Principal Certifying Authority demonstrating compliance with the requirements of the Acid Sulphate Soils Management Plan submitted with respect to the development.

Dust Control Requirements

- 44 Suitable dust suppression measures shall be implemented and maintained by the developer during demolition, excavation and construction works associated with the development. Such measures are required to minimise the emission of dust and other impurities into the surrounding environment.

Earthworks and Haulage - Construction Requirements

- 45 During construction works, all fill is to be placed on site in such a manner that surface water will not be permanently or temporarily diverted to adjoining land.
- 46 All materials other than fill imported to the site for civil works, shall have a resource recovery exemption made under the Protection of the Environment Operations (Waste) Regulation 2005.
- 47 All site fill material shall be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Earth (ENM) in accordance with the Waste Classification Guidelines – Part 1: Classifying Waste published by the Department of Environment, Climate Change and Water NSW (now Office of Environment and Heritage). Site fill material shall be certified as VENM or ENM by a practising Geotechnical Engineer prior to haulage to site. Certification documentation shall be provided to the Principal Certifying Authority throughout the construction phase of the works.

Potential Archaeological Artefacts

- 48 During construction works, if any archaeological artefacts are uncovered during the development works, works in that immediate area must cease. A qualified archaeologist is to be contacted and the appropriate procedure followed.

Potentially Contaminated Land Requirements

- 49 During the construction phase of the development, any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and required remediation must be notified to Council immediately upon discovery.
- 50 The Principal Certifying Authority must be notified should asbestos contaminated soils be exposed during works, and an occupational hygienist must assess the site and determine:
- if the asbestos material is bonded or friable;

- the extent of asbestos contamination; and
- safe work procedures for the remediation of the site.

The safe work procedures must reflect the level of the hazards and the proposed use of the land. A clearance certificate from an occupational hygienist must be obtained following the completion of all remediation work.

Roads & Maritime Services

- 51 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 52 All construction access and deliveries are to be via Tonkiss Street. No construction access or deliveries are to be permitted from Wyong Road.

Services/Utility Requirements

- 53 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 54 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
 - Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - AGL Sydney Limited for any change or alteration to gas line infrastructure;
 - Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Site Requirements

- 55 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.

Waste Management Requirements

- 56 During the construction phase of the development, all building materials must be re-used, recycled or disposed of in accordance with the Waste Management Plan by Hydrox Nominees Pty Ltd dated October 2014 submitted with the subject application.

Prior to Release of Occupation Certificate:

The following conditions must be satisfied prior to the release of an Occupation / Subdivision Certificate.

Dilapidation Rectification Requirements

- 57 Prior to the issue of an Occupation Certificate, any damage not shown in the Dilapidation Report submitted to and approved by the Principal Certifying Authority prior to site works commencing, will be assumed to have been caused as a result of the site works undertaken with respect to the development and must be rectified at the applicant's expense.

Ecology/Tree Requirements

- 58 Hollow tree removal, hollow log placement and nestbox design and placement are to be certified by the consultant ecologist prior to issue of any occupation certificate.

Food Act Requirements

- 59 No food handling, (as defined by the NSW Food Act 2003), is permitted in the food premises prior to the issue of the Occupation Certificate.
- 60 All liquid trade waste is required to pass through a basket arrestor with fixed screens, fitted to all floor wastes and sinks, before being discharged into the sewerage system.
- 61 Compliance with the requirements of the New South Wales Food Act 2003, the Food Regulation 2010, and AS4674–2004 – Design, Construction and Fitout of Food Premises, and AS1668, Part 11 – Mechanical Ventilation, for all food preparation and food storage areas, including liquor areas.
- 62 The installation of hand wash facilities with a minimum dimension of 500mm x 400mm providing warm running water through a common mixing spout with hands-free tap operation (consisting of elbow or wrist operated tap levers, foot or hip operated tap levers, or electronic sensor tap operation).

Landscaping Requirements

- 63 Prior to the issue of an Occupation Certificate, to ensure landscaping works are properly completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

- 64 Prior to the issue of an Occupation Certificate, a detailed maintenance schedule for all landscaping areas associated with the development, including the green façade, is to be provided to and approved by the Principal Certifying Authority.

Lighting Requirements

- 65 Prior to the issue of an Occupation Certificate, suitable lighting to the site shall be provided in accordance with the requirements of AS/NZS 1158 and AS/NZS 2890.1.

Liquid Trade Waste – Requirements

- 66 Where the proposed use of the development discharges waste other than domestic sewage, then the submission of a liquid trade waste application and subsequent approval by Council as the Water and Sewer Authority, to discharge liquid trade waste into the sewerage system is required prior to issue of the Occupation Certificate.
- 67 After the trade waste facility has been constructed, an “*Application for final inspection of a new Liquid Trade Waste Facility*” must be submitted to Council as the Water and Sewer Authority. Council’s final approval for the liquid trade waste facility is required prior to the issue of the Occupation Certificate.

Other Authorities – Compliance Requirements

- 68 Prior to the issue of an Occupation Certificate, the developer must comply with the requirements (including financial costs) of any relevant utility provider (for electricity, water, sewer, drainage, gas, telecommunications, roads, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

Public Artwork – Compliance Requirements

- 69 Prior to the issue of an Occupation Certificate, the public artwork is to be constructed and/or installed in accordance with Council’s Development Control Plan 2013 Chapter 2.15 – *Public Art* and this is to include a certificate of completion being signed by the artist and this certificate being submitted to Council.

Roads – Compliance Requirements

- 70 All road signage and pavement marking works must be completed in accordance with the plans approved by the Local Traffic Committee and approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.
- 71 The provision of any additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council as the Roads Authority prior to issue of any Occupation Certificate.

- 72 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Council's *Civil Works Construction Specification* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.
- 73 Any road works and or traffic control facilities within a state road must be completed in accordance with the approved Civil Works design drawings and RTA Works Authorisation Deed, and be jointly approved by Council as the Roads Authority and the RTA prior to the issue of any Occupation Certificate.
- 74 The submission to the Council as the Roads Authority of certification from an Accredited Service Provider (ASP) that the street lighting installation has been completed in accordance with AS/NZS 1158 and AS 4282-1997, the approved design drawings and will achieve a minimum of twenty (20) year design life. The certification must be received by Council prior to the issue of any Occupation Certificate.
- 75 The submission to the Council as the Roads Authority of a 'pre-opening stage' Road Safety Audit for the entire development prepared by a Level 3 Road Safety Auditor recognised on the NSW Register of Road Safety Auditors. Any deficiencies identified within the audit must be resolved in consultation with Council prior to the issue of any Occupation Certificate.

Road Widening

- 76 Prior to the issue of any Occupation Certificate, the proposed road widening for the Tonkiss Street entry intersection and Tonkiss Street frontage (including the Wyong Rd/Tonkiss Street intersection) shall be registered with the Land Title Office.

Stormwater – Compliance Requirements

- 77 The construction of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500.3-2004. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.
- 78 The construction of stormwater drainage works external to the site and discharging into a public system or public land in accordance with the approved Stormwater Management Plan and Council's *Civil Works Construction Specification*. All works must be approved by Council under Section 68 of the Local Government Act 1993 prior to issue of any Occupation Certificate. All other stormwater management works must be approved by the Principal Certifying Authority.
- 79 Prior to the issue of any Occupation Certificate, a 'Restriction on the Use of Land' shall be created on the title of the land restricting any alteration to the on-site stormwater detention system. The terms of the Restriction are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the restriction.

- 80 Prior to the issue of any Occupation Certificate, a 'Positive Covenant' shall be created on the title of the land requiring the registered proprietor to ensure the continued maintenance and performance of the on-site stormwater detention structure. The terms of the positive covenant are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the restriction.
- 81 The original completed request forms (Department of Lands' standard forms 13PC and 13RPA) must be submitted to Council for authorisation. A copy of the work-as-executed plan (details overdrawn on a copy of the approved stormwater management plan) and Civil Engineer's certification must accompany the completed request forms. Documentary evidence of the registration of the Positive Covenant and 'Restriction on the Use of Land' shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Subdivision– Compliance Requirements

- 82 The consolidation of Lot 3 DP 1084221 and Lot 2 DP 1056960 into one lot by registered subdivision prior to the issue of any Occupation Certificate. Documentary evidence of the Consolidation Plan registration with the Land and Property Management Authority must be submitted to the Accredited Certifier prior to the issue of any Construction Certificate.

Vehicle Access and Parking – Compliance Requirements

- 83 The construction of the carpark and accesses in accordance with AS/NZS 2890 - Parts 1, 2 & 6. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Waste Management Requirements

- 84 Prior to the issue an Occupation Certificate, hot and cold hose cocks shall be located in close proximity to the waste storage area to facilitate cleaning.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 85 Prior to the issue of an Occupation Certificate, all water and sewer works for the development must be approved by Council as the Water and Sewer Authority.
- 86 The obtaining of a satisfactory final plumbing & drainage inspection advice or Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority, prior to issue of the Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Work as Executed Requirements

- 87 Prior to the issue of an Occupation Certificate, Works as Executed information for the development as identified in Council's *Civil Works Construction Specification* is to be submitted to and approved by Council. The required Works as Executed information is to be submitted in hard copy and in electronic format in accordance with Council's 'CADCHECK' requirements.

Ongoing Operation:

The following conditions must be satisfied during use / occupation of the development.

Advertising Sign Requirements

- 88 The approved advertising sign/s must be constructed and maintained in a presentable and satisfactory state of repair for the life of the development.

Deliveries – Service Vehicles

- 89 All delivery vehicles shall approach via Tonkiss Street and depart via Wyong Road. No delivery vehicles shall traverse through the residential area to the south of the subject site.

Hours of Operation Requirements

- 90 For the purposes of preserving the amenity of neighbouring residents to the north east, hours of operation are restricted to between:
- 7.00am and 9.00pm Monday to Friday
 - 7.00am and 7.00pm Saturdays
 - 7.00am and 6.00pm Sundays and Public Holidays.

Industrial/Commercial Operational Requirements

- 91 Loading and unloading of vehicles and delivery goods and merchandise and the like to and from the premises must be carried out within the loading area as it is shown on the endorsed plan.
- 92 The loading bay area and truck turning area shall be kept unobstructed when not in use.
- 93 Maintenance of all buildings, surrounds and parking areas within the site shall be carried out in such a manner to render the site to be neat, tidy and clean at all times.
- 94 All delivery activities including loading and unloading shall be restricted to the hours between;

Monday to Friday - 7.00 am to 7.00 pm and
Saturday, Sunday and Public Holidays - 8.00 am to 5.00 pm

Lighting

- 95 All lighting shall be designed so as to ensure that glare does not adversely impact upon any adjoining property.

Site Appearance, Maintenance and Security Requirements

- 96 The owner/operator(s) of the site must maintain the external finishes of the building(s), structures, walls and fences for the life of the development and any graffiti must be removed in a timely manner.
- 97 All site landscaping is to be maintained for the life of the development in accordance with the approved landscape plan, as amended by the conditions of this consent, and with the approved maintenance schedule.

Stormwater – Ongoing Maintenance Requirements

- 98 All stormwater treatment devices (including detention systems, drainage systems, sumps and traps) must be regularly maintained in order to remain effective.

Waste Management – Compliance Requirements

- 99 All waste generated on the premises shall be stored in a manner so that it does not pollute the environment.