

## ATTACHMENT 2 – DRAFT CONDITIONS OF CONSENT

### 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
Site and Roof Plan	030	B	26.05.15	John R Brogan & Associates
Area Diagram	040	B	26.05.15	John R Brogan & Associates
Floor Plan - Undercroft Parking Level	100	B	26.05.15	John R Brogan & Associates
Floor Plan – Warehouse Level	101	B	26.05.15	John R Brogan & Associates
Sections	120	B	26.05.15	John R Brogan & Associates
Elevations	130	B	26.05.15	John R Brogan & Associates
Landscape Plan	2202 LP-01	H	02/06/2015	John Lock & Associates
Preliminary Environmental Site Assessment	E27560KGr pt	1	11 August 2014	Environmental Investigation Services

#### 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 An application for a Subdivision Certificate must be submitted to and approved by the Council/Certifying Authority prior to endorsement of the plan of subdivision.

- 5 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.

## **Prior to Release of Construction Certificate:**

***The following conditions must be satisfied prior to the release of the Construction Certificate as applicable to the specific work required under each individual condition. 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.***

### **Contribution Payment Requirements**

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

$$\text{Developer contribution} = \$241,500 \times \text{Current CPI} \div \text{Base CPI}$$

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*.

### **Filling and Haulage Requirements**

- 7 Prior to the issue of the Construction Certificate, an agreement is to be entered into with Council as the Roads Authority:
- to approve the haulage route attributable to the construction of the subject development; and
  - to approve the methodology of determining the reduced pavement life of the approved haulage route attributable to the construction of the subject development.

The agreement shall include an agreed method of rectification at the sole expense of the developer.

### **Food Act Requirements**

- 8 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.

### **Potentially Contaminated Land Requirements**

- 9 All recommended actions specified in the environmental assessment report titled "Preliminary Environmental Site Assessment for Proposed Commercial Development at 80-90 Pacific Highway, Lake Haven", for Andermatt Pty Ltd C/O John R Brogan & Associates Pty Ltd, report ref: E27560KGrpt by Environmental Investigation Services" are to be implemented by a suitably qualified persons prior to the issue of any construction certificate issued.

## Roadworks - Design Requirements

- 10 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.
- 11 The submission to Council of Civil Works design drawings and specifications detailing the construction of the roundabout to service the vehicle entry/exit to the development within the Chelmsford Road reserve to the following requirements:
- The roundabout shall be designed to accommodate the swept path of a 19.0 metre Articulated Vehicle and a Prime Mover 20.0 metre x 2.5-3.2 metres wide.
  - The roundabout shall be designed in accordance with the Austroads "Guide to Road Design Part 4B: Roundabouts".
  - Pavement marking & signage.
  - Street lighting in accordance with AS/NZS 1158.
  - The adjustment and reconstruction of the carriageway including the kerb and gutter alignment and pavement within Chelmsford Road and Callaghan Close to ensure satisfactory transitions into the proposed roundabout.
  - The reconstruction of the existing stormwater drainage inlet and pipeline system to accommodate the proposed roundabout alignment.
  - Adjustment and relocation of the existing services i.e. water & sewer mains/manholes outside the travel paths of the roundabout in accordance with the Wyong Water's requirements.
  - Adjustment and relocation of the existing services i.e. Ausgrid, Telstra, gas supply and national broadband network.
  - Pavement design prepared by a Geotechnical Engineer. The pavement shall be a Heavily Bound Pavement with minimum 100mm asphalt wearing surface design loading  $7.3 \times 10^6$  ESA's or alternatively a Rigid Pavement Design with design loading  $2 \times 10^7$  CVAGs.
  - Detailed Design Road Safety Audit (RSA) prepared by a qualified Level 3 Road Safety Auditor shall be undertaken on the intersection design. The RSA is to be submitted to Council and all issues identified in the RSA shall be addressed to the satisfaction of Council as the Roads Authority prior to the release of the Roads Authority approval for works within roads and footpaths.
  - Required design drawings are to be prepared in accordance with Council's Development Control Plan 2013 – Civil Works Design Guideline. The design must be submitted to and endorsed by the "Local Traffic Committee" prior to approval by Council as the Roads Authority prior to the issue of the Roads Authority approval for works within roads and footpaths.

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.

12 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:

- Adjustment and reconstruction of the kerb and guttering within Chelmsford Road adjoining the roundabout and the commercial vehicle crossing servicing the loading dock ramp.
- Construction of a 22.0 metre wide commercial vehicle access crossing servicing the loading dock ramp within Chelmsford Road. The access shall accommodate the 19-25.0 metre long articulated vehicle (AV) turning paths maintaining lane discipline within Chelmsford Road. The access shall be a maximum of 22.0 metres wide at the kerb alignment and 19.5 metres at the site boundary. Line marking and appropriate signage shall be provided to ensure safe entry movements. Note: The design and specifications of the concrete joints within the access crossing shall be provided with the engineering plans.
- Relocation of the existing bus stop within Chelmsford Road to a suitable location west of the proposed vehicle access crossing.
- The construction of a concrete footpath 1.5 metres wide within Chelmsford Road linking the relocated bus stop to the Bunning Building pedestrian entry. The footpath shall also extend east to cross the main vehicle entry/exit ramp a minimum of 12.0 metres from the roundabout holding line. Note: Pedestrian kerb ramps, a 2.0 metre wide dividing median (Splitter Island), adequate lighting and signage shall be provided. The roller shutter shall be relocated to provide continued pedestrian movements along the footpath and across the vehicular ramp.
- The construction of a Pedestrian Refuge within Chelmsford Road adjacent the Bunning Building pedestrian entry in accordance with the RMS Technical Direction TDT2011/01a. The refuge shall include all associated works including line marking, signage, pedestrian kerb ramps to both sides of Chelmsford Road.
- The construction of a concrete footpath 1.5 metres wide within the northern Chelmsford Road footway extending along the Pacific Highway linking the Chelmsford Road pedestrian refuge with the recently constructed pedestrian refuge across the Pacific Highway north of the Pacific Highway/Lakehaven Road roundabout. Note: All works located within the Pacific Highway will require a road occupancy licence issued from The RMS.
- Street lighting in accordance with AS/NZS 1158.
- Pavement marking & signage.
- Any associated works to ensure satisfactory transitions to existing infrastructure
- Detailed Design Road Safety Audit (RSA) prepared by a qualified Level 3 Road Safety Auditor shall be undertaken on the engineering design. The RSA is to be submitted to Council and all issues identified in the RSA shall be addressed to the satisfaction of Council as the Roads Authority prior to the release of the Roads Authority approval for works within roads and footpaths.
- Required design drawings are to be prepared in accordance with Council's Development Control Plan 2013 – Civil Works Design Guideline. The design must be submitted to and endorsed by the "Local Traffic Committee" prior to approval by Council as the Roads Authority prior to the issue of the Roads Authority approval for works within roads and footpaths
- Closure of the existing access to the Pacific Highway and remediation of the road verge by removing all hardstand areas, reinstating the kerb and gutter and returfing.

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.

- 13 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.

### **Stormwater Drainage - Design Requirements**

- 14 Stormwater drainage works external to the site and discharging into a public system or public land 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. All other stormwater management works must be approved by the Accredited Certifier.
- 15 The reconstruction of the existing stormwater drainage inlet and pipeline system within the Chelmsford Road and Callaghan Close carriageways to accommodate the proposed roundabout alignment. The re-aligned stormwater piped drainage system should include provision for the major system to be contained within the Chelmsford Road and Callaghan Close road reserves. 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.
- 16 The submission to the Accredited Certifier/Council of a detailed stormwater management plan featuring:
  - Construction of a stormwater drainage pipeline (100 year ARI capacity) to collect and discharge all generated stormwater flows from the catchment area within the upstream property Lot 1 DP787758 Pacific Highway to connection into the piped stormwater drainage system within Chelmsford Road.
  - Construction of a secondary flow path within the car parking area to contain the surcharge flows generated from the upstream catchment area applying a 50% blockage factor to the diversion 900 diameter pipeline. The flow path shall connect to a spillway weir and concrete catch drain or wall constructed along the southern 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. Note: The OSD tank shall be designed and certified as being structurally adequate for all anticipated loadings by a practising Structural Engineer.
  - An emergency overland flow path from the OSD system catering for the 100 year ARI design flows.
  - 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.

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.

## Structural Design Requirements

- 17 Any excavation below the adjoining land level requires the retaining of that land and the preservation and protection of any improvements or buildings upon that land including public roads and utilities from damage. If necessary, the improvements or buildings are to be supported in a manner designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared in order to comply with this condition are to include geotechnical investigations and are to be submitted for the approval of the Accredited Certifier and in the case where excavation impacts upon public infrastructure, Council, prior to issue of the Construction Certificate.
- 18 Prior to the issue of a Construction Certificate, suitable detailed design drawings for all retaining wall structures on the site are to be provided for the approval of the Accredited Certifier. Such design drawings are to be prepared by a suitably qualified Registered Structural Engineer in accordance with the requirements of AS 4678-2002 - *Earth Retaining Structures*. All retaining walls must be contained wholly within the property and designed so as to accommodate possible surcharge loading from vehicles or structural improvements within the adjoining property.

## Vehicle Access and Parking - Design Requirements

- 19 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.
  - Wheel stops provided for parking spaces where appropriate.
  - Provision of 10 car parking spaces for people with disabilities in accordance with AS 2890.6:2009.
  - The placement of clearance signage above the basement entry.
  - The roller shutter shall be relocated to provide continued pedestrian movements along the footpath and across the entry/exit vehicular ramp.
  - Detailed Design Road Safety Audit (RSA) prepared by a qualified Level 3 Road Safety Auditor shall be undertaken of the carpark design. The RSA is to be submitted to Council and all issues identified in the RSA shall be addressed to the satisfaction of Accredited Certifier prior to the release of the Construction Certificate.

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.

- 20 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**

- 21 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.
- 22 The submission to Council as the Water Supply Authority of detailed structural design drawings and supporting information for structures within the zone of influence of the sewer main. The design shall indicate the proposed method of protecting the sewer main in accordance with Council's *Requirements for Building Over or Adjacent to Sewer Mains* policy. Design details must be approved by Council as the Water Supply Authority prior to the issue of a 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.***

### **Demolition Requirements**

- 23 Prior to the demolition of nominated structures on site, all existing site services are to be disconnected, sealed and made safe. With regard to any sewer and water, service is to be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
- Any demolition work carried out is to be carried out in accordance with the requirements of AS 2601-2001 – The Demolition of Structures.
- 24 Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work, must be undertaken by a person who carries on a business of such removal work in accordance with a licence issued under the provisions of Clause 318 of the *Occupational Health and Safety Regulation 2001*.
- The person having the benefit of the consent must provide the Principal Certifying Authority with a copy of a signed contract before any development pursuant to the consent commences.
  - Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed and if so, must specify the landfill site (that may lawfully receive asbestos) to which the material is to be delivered for disposal. Upon completion of these works, the Council is to be supplied with disposal receipts within seven (7) days to verify that this requirement has been complied with.

### **Ecology/Trees Requirements**

- 25 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 noted for retention 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 4970-2009 - *Protection of Trees on Development Sites*
  - Erection of tree protection measures is to be confirmed in writing to Council's Development Arborist prior to commencement of works, or alternatively Council must be notified to undertake an inspection of the works.

- All fenced tree protection areas and 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.

### **Erosion and Sediment Control Requirements**

- 26 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**

- 27 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.

### **Protection of Adjoining Property Requirements**

- 28 Prior to works associated with the development commencing, the owner of the adjoining property affected by the proposed excavation and/or structural protective works, must be given written notice of the intention to commence works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protective works.
- 29 Prior to works associated with the development commencing, the applicant must supply the Principal Certifying Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and other improvements. The report must be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works. **Note:** The report is to be made available by the Principal Certifying Authority in any private dispute between neighbours regarding damage arising from construction works upon the development site.

### **Roads - Preconstruction Requirements**

- 30 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.
- 31 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.
- 32 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.

### Services/Utility Requirements

- 33 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

- 34 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. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.

- 35 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.
- 36 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 if the works:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
  - could cause damage to adjoining lands by falling objects; or
  - involve the enclosure of a public place or part of a public place.

These works are specified as exempt development pursuant to Clause 2.109 of the *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* where the development standards prescribed in Clause 2.110 of that instrument:

- enclose the work area;
- if it is a temporary construction site fence adjoining, or on, a public place—be covered in chain wire mesh that is designed, appropriately fixed and installed in accordance with AS 2423—2002, *Coated steel wire fencing products for terrestrial, aquatic and general use*; and
- be removed immediately after the work in relation to which it was erected has finished if no safety issue will arise from its removal.

**Note 1:** A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

**Note 2:** The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

- 37 The submission of a Construction and Environment Management Plan (CEMP) to the Principal Certifying Authority for approval prior to the commencement of works. The plan must outline the sequence and construction methodology, and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management.

# During Construction Works:

*The following conditions must be satisfied during construction works.*

## Dust Control Requirements

- 38 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

- 39 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.
- 40 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.

## Potentially Contaminated Land Requirements

- 41 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.

## Services/Utility Requirements

- 42 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.

## Site Access Requirements

- 43 All construction access and deliveries are to be via Chelmsford Road. No construction access or deliveries are to be permitted from The Pacific Highway.

## Site Requirements

- 44 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 45 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.
- 46 During the construction phase of the development, any excavation below the level of footings of buildings upon adjoining allotments requires the preservation and protection of the adjoining buildings from damage resulting from subsidence. Should it be necessary, the excavation is to be supported and the adjoining buildings underpinned in a manner certified by a suitably qualified Structural Engineer.

## **Waste Management Requirements**

- 47 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 submitted with the subject application.

## **Prior to Release of Occupation / Subdivision Certificate:**

***The following conditions must be satisfied prior to the release of an Occupation / Subdivision Certificate as applicable to the specific work required under each individual condition.***

### **Building Code of Australia – Compliance Requirements**

- 48 Prior to the issue of an Occupation Certificate, the building shall be completed in accordance with the relevant provisions and requirements of the Building Code of Australia.

### **Dilapidation Rectification Requirements**

- 49 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.

### **Disabled Access Requirements**

- 50 Prior to the issue of an Occupation Certificate, access to and throughout the buildings shall comply with AS 1428.1-2009 and the objectives of the *Disability Discrimination Act 1992* (Commonwealth).

### **Filling and Haulage- Completion Requirements**

- 51 Prior to the issue of an Occupation Certificate, the developer shall determine the reduced pavement life for the haulage route using the agreed methodology identified in the agreement with Council as the Roads Authority, and complete the agreed rectification actions.

### **Food Act Requirements**

- 52 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.
- 53 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.
- 54 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.
- 55 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**

- 56 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.

## **Lighting Requirements**

- 57 Prior to the issue of an Occupation Certificate, suitable lighting to the car parking area, loading docks, truck turning area, access to rear of site shall be provided in accordance with the requirements of AS/NZS 1158 and AS/NZS 2890.1.

## **Potentially Contaminated Land Requirements**

- 58 A validation report by a suitably qualified professional confirming that the land is suitable for use is required to be submitted to Council's Environmental Protection Officer and Principal Certifying Authority prior to the issue of any Occupation Certificate.

## **Public Health Premises**

- 59 The premises must be inspected by Council's Environmental and Public Health Officer prior to any business activity being carried out.
- 60 The premises must be registered with Council's Health Services Section prior to commencing operations.
- 61 The premises must be provided with a separate hand basin solely for the purpose of washing hands. The hand basin must be provided with a continuous supply of hot and cold water delivered through a single mixing spout. A supply of antibacterial liquid soap and paper towels are to be provided in dispensers adjacent to this hand basin.
- 62 The premises must be provided with a separate equipment-washing sink for the purpose of washing equipment used with the business activities. This sink must be provided with a continuous supply of hot and cold water delivered through a single mixing spout.
- 63 Where a basin or a sink is situated against any wall that wall is to be constructed of, or covered with, material that is durable, smooth, impervious to moisture and capable of being cleaned. This surface is to be as follows:
- from floor level to a height of 450mm above the top of the basin or sink; and
  - from the centre of the basin and sink to a distance of 150mm beyond each side of this fitting.

## **Roads – Compliance Requirements**

- 64 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.
- 65 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 the Occupation Certificate.
- 66 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.

- 67 The submission to the Council as the Roads Authority of a 'pre-opening stage' Road Safety Audit for all the roadwork's within Chelmsford Road 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 approval of the works.
- 68 Prior to the issue of the Occupation Certification, the existing access to the Pacific Highway shall be closed and all rectification works has been undertaken.

### **Statutory Certificate Requirements**

- 69 Prior to the Issue of an Occupation Certificate, a Final Fire Safety Certificate, as required by Clause 153 of the Environmental Planning and Assessment Regulation, 2000, certifying that all the Fire Safety Measures within the building have been designed and installed in accordance with the relevant standard of performance as nominated by the Fire Safety Schedule issued with the Construction Certificate, is to be supplied for the approval of the Principal Certifying Authority. Such Final Fire Safety Certificate is also to be displayed within a prominent location within the building such as the main entry.

### **Stormwater – Compliance Requirements**

- 70 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 the Occupation Certificate. Note: The OSD tank shall be certified by a practising Structural Engineer as being constructed in accordance with the approved design and to be structurally adequate for all anticipated loadings.
- 71 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 the Occupation Certificate. All other stormwater management works must be approved by the Principal Certifying Authority.

### **Subdivision– Compliance Requirements**

- 72 The consolidation of Lot 2 DP 24696 and Lots 5 & 6 DP 738274 into one lot by a registered subdivision prior to the issue of an 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 the Occupation Certificate.
- 73 The dedication of land as road widening the roundabout leg extending to the building alignment of the entry/exit access road servicing the car parking area. The road widening must be shown on a plan of subdivision and approved by Council with the issue of the Subdivision Certificate.
- 74 The plan of subdivision and Section 88B instrument shall establish the following title encumbrances with Council being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise. Wherever possible the extent of the land affected shall be defined by bearings and distances shown on the plan of subdivision:
- 'Restriction on the Use of Land' containing an overland stormwater drainage flow path, prohibiting the erection of any structure or alteration to the flow path without the express written consent of Council.
  - 'Restriction on the Use of Land' prohibiting any alteration to the on-site stormwater detention system. The terms of the restriction are to be prepared to Council's standard

requirements.

- 'Positive Covenant' requiring the registered proprietor to ensure on-going maintenance is completed for the on-site stormwater detention system. The terms of the covenant are to be prepared to Council's standard requirements.
- The creation of a 'Rights of Access' over the footpath which crosses the main vehicle entry/exit ramp to benefit the public.
- The creation of an 'Easement to Drain Water' burdening the subject site and benefitting the upstream property Lot 1 DP787758 Pacific Highway.

The encumbrances must be shown on the final plan of subdivision and Section 88B instrument, and be approved by Council with the Subdivision Certificate.

- 75 The provision of Works as Executed information as identified in *Council's Civil Works Construction Specification* prior to issue of the Occupation Certificate. The information is to be submitted in hard copy and in electronic format in accordance with Council's 'CADCHECK' requirements. This information is to be approved by Council prior to issue of the Occupation Certificate.

### **Water and Sewer Services/Infrastructure – Compliance Requirements**

- 76 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.

## **Ongoing Operation:**

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

### **Advertising Sign Requirements**

- 77 The proposed advertising sign/s erected shall be in accordance with the approved plans and shall not be altered or modified without the prior separate consent of Council.
- 78 The approved advertising sign/s must be constructed and maintained in a presentable and satisfactory state of repair for the life of the development.
- 79 No additional advertising signs, including flags, banners, bunting, streamers, sandwich-boards, windvanes or other devices considered to be used as advertising media shall be erected on the site without the prior separate consent of Council.
- 80 The advertising signs shall meet the criteria contained in Section 3.2.5 of the Department of Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007) – Illumination and reflectance. Any proposed advertising sign must not have/use: -
- Flashing lights or messages;
  - Electronically changeable messages, unless in accordance with the Department of Transport's Guidelines;
  - Animated display, moving parts or simulated movement;
  - No iridescent or fluorescent colours or materials;
  - Complex displays that hold a drivers' attention beyond "glance appreciation";
  - Displays resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop';
  - A method of illumination that distracts or dazzles; and
  - Shall not result in any adverse impact on the amenity of the surrounding area.

## **Industrial/Commercial Operational Requirements**

- 81 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 and be conducted as to cause minimum interference with other vehicular traffic and to minimise dust and noise.
- 82 The loading bay area and truck turning area shall be kept unobstructed when not in use.
- 83 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.
- 84 The hours of operation of the activity to which this development consent relates are: -  
Monday – Friday 7am to 9pm;  
Saturday 7am to 7pm  
Sunday and Public Holidays 7am to 6pm.
- 85 All delivery activities including loading and unloading shall be restricted to the hours between: -  
Monday to Friday - 7am to 7pm; and  
Saturday, Sunday and Public Holidays 8am to 5pm.

## **Road Widening Acquisition**

- 86 Upon the road widening along the Pacific Highway being acquired, the pylon sign is to be removed at no cost to the Roads and Maritime Services or Council.

## **Site Appearance, Maintenance and Security Requirements**

- 87 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. **Note:** amend “owner/operator(s)” and “building(s), structures, walls and fences” to suit the application to which you are applying the condition.
- 88 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.

## **Vehicle Access and Parking – Ongoing Requirements**

- 89 All on-site vehicle parking areas, markings, driveways and manoeuvring areas are to be maintained for the life of the development.

## **Waste Management – Compliance Requirements**

- 90 All waste generated on the premises shall be stored in a manner so that it does not pollute the environment.
- 91 All waste generated on the premises shall be transported to a facility which is licensed to receive that material in accordance with an approved waste management plan.

# SCHEDULE OF CONTRIBUTIONS

Section 94A Levy

\$241,500.00