

## RECOMMENDED CONDITIONS

### 1.0 - General Conditions of Consent

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

- (1) **General Terms of Approval/Requirements of State Authorities** - The general terms of approval/requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The general terms of approval/requirements are:

1. Bush Fire Safety Authority from the NSW Rural Fire Service dated 4 December 2017.
2. E-mail from TransGrid to Camden Council dated 6 March 2017.
3. E-mail from Endeavour Energy to Camden Council dated 11 October 2017.
4. Letter from the Camden Local Area Command dated 12 April 2017.

(except for point 6 in the section titled "Landscaping (Surveillance)" and the point titled "Vegetation" in the section titled "Territorial Re-enforcement").

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

| Plan Reference/<br>Drawing No.                                                                                                                              | Name of Plan                       | Prepared by        | Date            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|--------------------|-----------------|
| DA000 Issue G –<br>DA970 Issue F<br>(inclusive_ as<br>stamped<br>approved by<br>Camden Council                                                              | Architectural and<br>related plans | AN+A               | Various         |
| MMD-369626-C-<br>DR-CB-DA-0001<br>– MMD-369626-<br>C-DR-BB-DA-<br>0901 (various<br>revisions)<br>(inclusive) as<br>stamped<br>approved by<br>Camden Council | Engineering and<br>related plans   | Mott Macdonald     | Various         |
| LA-001 – LA-013<br>all revision B<br>(inclusive)                                                                                                            | Landscaping plans                  | Corkery Consulting | 25 October 2017 |
| N/A                                                                                                                                                         | Subdivision plan                   | Stephen Dike       | 19 January 2017 |

| Document Title                                       | Prepared by                                | Date             |
|------------------------------------------------------|--------------------------------------------|------------------|
| Report on Salinity Investigation and Management Plan | Douglas Partners                           | May 2012         |
| DA Civil Engineering Report                          | Mott Macdonald                             | 23 December 2016 |
| Acoustic Report                                      | Acoustic Logic                             | 13 July 2017     |
| Construction Environmental Management Plan           | Vaughan Constructions Pty Ltd              | N/A              |
| Waste Management Plan                                | Elephants Foot Recycling Solutions         | 28 July 2017     |
| Crime Risk Report                                    | City Plan Strategy and Development Pty Ltd | January 2017     |
| Bush Fire Advice                                     | Ecological Australia                       | 26 June 2017     |

(3) **Modified Documents and Plans** - The development shall be modified as follows:

- a) Speed humps must be provided in the approved car parks in accordance with AS 2890.
- b) Speed humps must be provided at 50m intervals along vehicle path 7.
- c) Speed humps must be provided along the approved 'slip lane' in the approximate positions as marked in red on the approved architectural plans.
- d) Signs must be clearly displayed at the entries/exits to vehicle path 7 that restrict the maximum vehicle size permitted to use that vehicle path to medium rigid vehicles.
- e) All trafficable areas for waste collection vehicles must have a minimum 4m vertical clearance.
- f) 14 additional car parking spaces must be provided in the basement car park accessed from access point 'I.'
- g) Eight additional motorcycle spaces must be provided in appropriate locations on the site.

Amended plans or documentation demonstrating compliance shall be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate.

(4) **Approved Uses** - This development consent approves the use of the approved buildings as bulky goods premises food and drink premises, recreation facilities (indoor), hotels and an entertainment facility (the approved cinema) as defined by State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and as detailed on the approved plans.

The uses must however comply with the information submitted with the DA and the conditions of this development consent.

(5) **Separate Approval for Fit Out** - A separate development application for the fit out and use of the building/each tenancy shall be provided to, and approved by, the Consent Authority prior to that use commencing (unless the fit out is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008).

- (6) **Separate Approval for Signs** - A separate development application for any proposed signs shall be provided to, and approved by, the Consent Authority prior to the erection or display of those signs (unless the erection or display of those signs is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- (7) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (8) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
  - b) where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying

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

- (9) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993* prior to works commencing.
- (10) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (11) **Prohibition of Burning** - The open burning of waste and other refuse is prohibited throughout the Camden LGA.
- (12) **Outdoor Lighting** - The approved development must include lighting in all areas that complies with AS 1158 and AS 4282.
- (13) **Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.
- (14) **Roof Mounted Equipment** - All roof mounted equipment such as air conditioning units, etc., required to be installed shall be integrated into the overall design of the building and not appear visually prominent or dominant from any public view.

Roof mounted equipment must not cause the approved development to be higher than 15m from finished ground level.

- (15) **Noxious Weeds Management** - Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously

suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *Noxious Weeds Act 1993*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material.

Earth moved containing noxious weed material must be disposed of at any approved waste management facility and be transported in compliance with the *Noxious Weeds Act 1993*.

- (16) **Local Traffic Committee Concurrence** - Installation of or changes to regulatory signage, line marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

These concurrences (as required) must be obtained prior to the installation of or any changes to regulatory signage, line-marking and devices.

- (17) **Demolition of Temporary Water Quality Facilities** - All temporary water quality facilities will be made redundant upon the provision of an approved permanent water quality facility. The temporary water quality facilities must be demolished and the area containing the facilities reinstated. Any resulting impediment to existing permanent infrastructure, as a result of the removal of the associated stormwater drainage system, is to be rectified to Council's standards.

Prior to the commencement of any such demolition all contributing stormwater flows to the facilities must be diverted to the permanent water quality facilities by way of a stormwater drainage system approved by Council.

- (18) **Construction of Permanent Water Quality Facilities** - Permanent water quality facilities must be constructed:

- a) in accordance with the approved plans; and
- b) to Council's Engineering Specifications.

- (19) **Time Restricted Loading Bays** - Time restricted loading bays must be provided along vehicle path 7 as shown on the approved architectural plans. These bays must be:

- constructed and usable as car parking spaces;
- sign posted to prohibit car parking prior to 9am each day; and
- sign posted to allow their use for deliveries and waste collection between 7am-9am each day.

All waste collection and deliveries from/to these bays must be completed between 7am-9am each day.

- (20) **Concept Development Application** - Development consent is granted for a concept development pursuant to Section 83B of the *Environmental Planning and Assessment Act 1979* and as described in this development consent. Excluding the

stage 1 development which is approved as part of this development consent, all other development conceptually approved as part of the concept approval must be subject to separate DAs.

(21) **Extent of Concept Approval** - Concept approval only is granted to the following elements of the development:

- The bridge across the South Creek tributary.
- The landscaping on the western side of the riparian corridor adjacent to lots 4 and 5.
- Business premises 3, its ancillary car parks and associated works.
- Hotels 1 and 2, their ancillary car parks and associated site works.
- Business premises 4, its ancillary car parks and associated site works.
- The food and drink premises adjacent to business premises 4.

The concept approval only conceptually approves the general footprint of the above buildings on the site. The indicative height, materials, finishes, off-street car parking provision and number of hotel rooms for the above buildings are not approved.

No concept approval is granted for any stormwater detention and/or water quality treatment facilities in the South Creek tributary.

(22) **Landscaping Adjacent to Recreation Facilities (Indoor)** - The proposed landscaping along the western side of the South Creek tributary is approved as part of this DA and must be completed as part of the construction of the recreation facilities (indoor). The landscaping must be designed and implemented in accordance with the detailed landscape plan associated with the approved vegetation management plan for the tributary under Development Consent 2012/277/1.

(23) **Noise** - All of the approved development must be designed and operated to comply with the requirements of the “project criteria – 10dB(A)” to residential receivers (Table 13 – Noise Emission Objectives) detailed in report titled “*Gregory Hills Corporate Park, DA Acoustic Report - Bulky Goods & Leisure Precinct, Project Number 20161659.1 Revision 2*” dated 13 July 2017 by Acoustic Logic.

(24) **Approved Building Height** - The approved maximum building height for the approved development is 15m from finished ground level.

## **2.0 – Prior to Issue of a Construction Certificate**

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

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

**Note** – An administration fee is payable upon the lodgement of a bond with Council.

- (2) **Hoarding Application** - A hoarding application for the erection of a class A (fence type) or class B (overhead type) hoarding along the street frontage complying with WorkCover requirements shall be provided to Council for approval with a footpath occupancy fee based on the area of footpath to be occupied.

A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, shall be obtained with a copy also provided to the Roads Authority. The Policy is to note Council as an interested party and nominate the location of works. Hoardings shall not be erected until written approval has been received from Council. The copy of the Public Risk Insurance Policy is to be provided to the Roads Authority.

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

**Note** – An administration fee is payable upon the lodgement of a bond with Council.

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

- (5) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2.0m from the external walls of the building. Where the external walls are within 2.0m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

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

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

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

A stormwater plan is to be submitted to the Certifying Authority prior to the augmentation of the existing drainage system to accommodate drainage from the

approved development and to protect other property to the satisfaction of the Certifying Authority.

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

- (8) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.

Where a Construction Certificate is required by this development consent, a detailed on-site detention and water quality report reflecting the Construction Certificate plans shall be provided to the Certifying Authority with the Construction Certificate application.

Where a Construction Certificate is not required by this development consent, a detailed on-site detention and water quality report reflecting the approved development application plans and Council's Engineering Specifications shall be provided to Council prior to works commencing.

- (9) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (10) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority.

The plan must include:

- Trees sourced in accordance with the tests and measurements contained within AS 2303 - 2015 – Tree Stock for Landscape Use.
  - The plant schedule is to indicate plant species grid spacing, i.e. ground cover plants 1 per 0.5m<sup>2</sup>, shrubs 1 per 1.5m<sup>2</sup>, tall shrubs/small trees 1 per 2.5m<sup>2</sup> and trees 1 per 10m<sup>2</sup>.
  - The plan is to identify existing street trees and include notation for the protection of these trees during the construction phase. Should any street trees require relocation, the plan is to include notation of proposed works.
  - Missing street trees located on both road frontages shall be replanted at a rate of 1 every 10 metres using *Lophostemon confertus* (Brush Box) sourced in 75 litre containers and installed on a like for like basis with existing plantings.
  - Street tree planting details must specify root barriers where trees are planted in close proximity to hard surfaces.
  - Installation of street trees is to be in accordance with Clause B.2.3 Appendix B of Council's Engineering Design Specifications.
- (11) **Sydney Water Trade Waste** - The applicant shall contact the Commercial Trade Waste section of Sydney Water regarding the trade waste requirements. A written

response from Sydney Water demonstrating compliance shall be provided to the Certifying Authority and Council.

- (12) **Food Premises** - The design, construction, use and ongoing operation of the food premises and/or food storage area shall comply with all applicable Acts, Regulation, codes and standards including:

- a) the *Food Act 2003*;
- b) the Food Regulation 2015;
- c) Food Standards Australia and New Zealand – Food Standards Code 2003;
- d) Council's Food Premises Code;
- e) AS 1668.1-2015 and 1668.2-2012;
- f) the BCA; and.
- g) AS 4674-2004. Design, construction and fitout of food premises

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

- (13) **Bush Fire Safety – Subdivision** - The site is located within a bush fire prone area. Certification from a suitably qualified bush fire consultant shall be provided to certify that the development complies with:

- a) the RFS' Bush Fire Safety Authority for the DA (if applicable); and
- b) the NSW Rural Fire Service publication "Planning for Bush Fire Protection 2006."

- (14) **Fibre-Ready Facilities/Telecommunications Infrastructure** - Documentary evidence must be provided to the Certifying Authority demonstrating that satisfactory arrangements have been made for:

- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. The carrier must confirm in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

This condition does not apply where an applicable exemption exists under Commonwealth law. Documentary evidence of any exemption relied upon must be provided to the Certifying Authority.

- (15) **Section 94 Contributions – Monetary (Turner Road and Oran Park)** - A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services and amounts detailed below.

| Plan Name                                                                   | Contribution Type                         | Indexed Rate                | Amount Payable     |
|-----------------------------------------------------------------------------|-------------------------------------------|-----------------------------|--------------------|
| Oran Park and Turner Road Precincts Section 94 (OP & TR) Contributions Plan | Transport Management - Works              | Per net developable hectare | \$49,939.00        |
| OP & TR Contributions Plan                                                  | Transport Management - Project Management | Per net developable hectare | \$1,139.00         |
|                                                                             | <b>Total</b>                              |                             | <b>\$51,078.00</b> |

A copy of the Oran Park and Turner Road Precincts Section 94 Contributions Plan may be inspected at Council's Camden office at 70 Central Avenue Oran Park or can be accessed on Council's website at [www.camden.nsw.gov.au](http://www.camden.nsw.gov.au).

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.

- (16) **Special Infrastructure Contribution** - The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the *EP&A Act 1979* under Section 94EE of that Act and as in force on the date of this consent. This contribution shall be paid to the Department of Planning and Environment (DPE).

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

Alternatively, the applicant must obtain written confirmation from DPE that the SIC is not required to be paid for the approved development.

- (17) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.
- (18) **Damages Bond** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.

**Note** – An administration fee is payable upon the lodgement of a bond with Council.

- (19) **Driveway Gradients and Design** - The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking,' AS 2890.2-2002 'Off street commercial vehicle facilities' and:

- a) the driveway shall comply with Council's Access Driveway Specifications; <https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a-DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf>;
- b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
- c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
- d) a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (20) **Retaining Walls** - All retaining walls shall be designed and certified by a suitably qualified structural engineer in accordance with Council's Engineering Specifications.

- (21) **Easement Creation** - Drainage easements shall be obtained over downstream properties where drains for the disposal of stormwater are located across lands owned by others (and where the drainage is not within a water course). The width of the drainage easement/s shall be in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to Council with the Construction Certificate application.

The easement shall be registered with the NSW Land & Property Information prior to the issue of an Occupation Certificate.

- (22) **Garbage Room** - Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the Certifying Authority for approval. Garbage rooms are to be constructed of solid material, cement rendered and trowelled to a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste connection. Walls are to be smooth impervious surfaces. Ventilation, pest proofing and a hose tap must be provided.

- (23) **Detailed Lighting Plan** - A detailed lighting plan shall be submitted to the Certifying authority with the Construction Certificate application. The plan must demonstrate that the orientation and intensity of lighting will comply with AS 4282 and AS 1158.

- (24) **Car Park Noise Control** - All off-street (including basement) car parks must have a coved finish with Slabseal 2000 SR sealant (or equivalent similar product) applied to the concrete floor. The coved finish and sealant must be suitably maintained on the floor of all car parks at all times to a standard that eliminates tyre squeal noise from being audible.

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

- (25) **Existing Water Sensitive Urban Design Facilities on Digitaria Drive** - Plans and documentary evidence that show any existing on-street water sensitive urban design and stormwater drainage facilities within Digitaria Drive must be prepared. Any such facilities affected by the approved vehicular accesses must be relocated / redesigned in accordance with Council's Engineering Specifications and subject to approval from Council pursuant to the *Roads Act 1993*.

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

- (26) **Water Sensitive Urban Design Facilities Internal to the Site** - Design plans must be prepared that demonstrate compliance with the DA civil engineering report dated 23 December 2016 by Mott Macdonald.

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

- (27) **On-Site Detention Design and DRAINS Analysis** - The DRAINS model for the on-site detention systems must be revised and redesigned so that the legal points of discharge are accurately modelled and connected to Council's kerb inlet pits on Digitaria Drive. The model shall use the correct associated existing levels and pipe sizes at these on-street kerb inlet pits. The analysis of the on-site detention volume and discharge quantity are to use the hydraulic grade line at 150mm below the gutter invert level for minor storm events, and the top of kerb level for major storm events.

The design of the on-site detention systems shall be in accordance with Council's Engineering Specifications.

The performance of Council's stormwater system due to the discharge of stormwater from the on-site detention basins is to be in accordance with Council's Clause 3.4.6 Design Consideration of Council's Engineering Specifications.

A copy of the revised and redesigned stormwater design and DRAINS analysis shall be submitted to the Certifying Authority and Council.

- (28) **Vehicular Crossing Design** - Design plans must be prepared that demonstrate that the approved vehicular crossings comply with the design shown in the letter from Mott Macdonald dated 19 December 2016, Appendix C (Proposed Development Plans) and Appendix E (Swept Paths).

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

- (29) **Access to Bulky Goods Premises 1 and 2** - The design of the approved development must ensure that heavy rigid vehicles can manoeuvre into and out of bulky goods premises 1 and 2 for loading and unloading activities in accordance with AS 2890.

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

- (30) **Potable Water Consumption** - Details must be provided to the Certifying Authority which demonstrate the ability of the buildings to achieve a 40% reduction of baseline potable water consumption.

### **3.0 - Prior to Commencement of Works**

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (2) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
  - b) the address of the land on which the work is to be carried out;
  - c) the registered number and date of issue of the relevant development consent;
  - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
  - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
  - f) a telephone number on which the PCA may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
  - b) a description of the work to be carried out;
  - c) the address of the land on which the work is to be carried out;
  - d) the registered number and date of issue of the relevant development consent and construction certificate;
  - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
  - f) the date on which the work is intended to commence.

- (4) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;
  - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
  - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
  - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
  - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
  - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
  - c) the name, address and telephone number of the PCA.
- The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.
- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to [www.sydneywater.com/tapin](http://www.sydneywater.com/tapin) to apply.
- A copy of the approval receipt from Sydney Water must be submitted to the PCA.
- (8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (9) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the PCA and Council at least 2 days prior to the commencement of works.

Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.

- (10) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the PCA.
- (11) **Construction Waste Management Plan** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, including the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must also designate the number, type and size of waste collection containers that will be used during the construction phase and nominate the waste contractor.

The plan must be kept on site for compliance until the completion of all construction works.

- (12) **Environmental Management Plan** - An environmental management plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the PCA.

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

- a) measures to control noise emissions from the site;
  - b) measures to suppress odours and dust emissions;
  - c) soil and sediment control measures;
  - d) measures to control air emissions that includes odour;
  - e) measures and procedures for the removal of hazardous materials that includes waste and their disposal;
  - f) any other recognised environmental impact;
  - g) work, health and safety; and
  - h) community consultation.
- (13) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

The protection methods for existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation during all works approved by

this development consent shall be installed in accordance with AS 4970-2009 Protection of Trees on Development Sites.

- (14) **Dilapidation Report – Adjoining Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of the following adjoining properties shall be prepared.

a) 14 Digitaria Drive, Gledswood Hills.

b) 7 Gregory Hills Drive, Gledswood Hills

All costs incurred in preparing the dilapidation report and complying with the conditions it imposes shall be borne by the applicant.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant shall demonstrate in writing that all reasonable steps have been taken to obtain access to and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence shall be obtained from the PCA in such circumstances.

#### **4.0 - During Works**

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

- (1) **Approved and Prepared Plans and Reports to be Complied With** - All plans and reports approved by, and required to be prepared by this development consent, must be complied with.
- (2) **Work Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (3) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (4) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks conveyed to the stormwater drainage system as per the approved hydraulic plan.

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

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

- (5) **Site Management** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
  - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
  - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
  - d) a waste control container shall be located on the site;
  - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
  - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
    - i) be a standard flushing toilet connected to a public sewer; or
    - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
    - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (6) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to PCA prior to the development proceeding beyond floor level stage.
- (7) **Building Height** - A survey report prepared by a registered land surveyor confirming that the building height complies with the approved plans or as specified by the development consent, shall be provided to the PCA prior to the development proceeding beyond frame stage.
- (8) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (9) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (10) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until the development has been completed. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

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

The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

- (11) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
  - b) the wheels of vehicles leaving the site:
    - i) do not track soil and other waste material onto any public road adjoining the site; and
    - ii) fully traverse the site’s stabilised access point.
- (12) **Fill Compaction** - All fill must be compacted in accordance with Camden Council’s current Engineering Design Specifications.
- (13) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: [www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm](http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm))
- Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (14) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (15) **Noise During Work** - Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection authority’s Environmental Noise Control Manual.
- (16) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (17) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (18) **Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of

fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development.

- (19) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the PCA.

The validation report and associated sampling location plan must:

- a) be prepared by a person with experience in the geotechnical aspects of earthworks; and
- b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics; and
- c) be prepared in accordance with;

Virgin Excavated Natural Material (VENM):

- i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity;" and
  - ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW."
- d) confirm that the fill material;
- i) provides no unacceptable risk to human health and the environment;
  - ii) is free of contaminants;
  - iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
  - iv) is suitable for its intended purpose and land use; and
  - v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6000m<sup>3</sup> - 3 sampling locations; and
- f) greater than 6000m<sup>3</sup> - 3 sampling locations with 1 extra location for each additional 2000m<sup>3</sup> or part thereof.

For e) and f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for contamination and salinity must be undertaken in accordance with the following table:

| Classification of Fill Material   | No of Samples Per Volume | Volume of Fill (m <sup>3</sup> ) |
|-----------------------------------|--------------------------|----------------------------------|
| Virgin Excavated Natural Material | 1<br>(see Note)          | 1000<br>or part thereof          |

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

- (20) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (21) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).

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

- (22) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

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

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

- (23) **Salinity Management Plan** - All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within the report titled “Salinity Investigation and Management Plan, Proposed Subdivision Lot 701 in DP 1154772, Gregory Hills Drive, Gregory Hills, Project 76510.00” dated May 2012 and prepared by Douglas Partners.

## 5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Compliance Certificate** - Once the installation of the mechanical ventilation system is completed, a Certificate of Compliance prepared by a suitably qualified mechanical engineer with details of tests carried out shall be provided to the PCA. Verification shall be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.

- (2) **Fire Safety Certificate** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (3) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (4) **Building Height** - A registered surveyor shall certify that the maximum height of the building is consistent with the height in the approved plans and this consent. The certification/verification shall be provided to the satisfaction of the PCA.
- (5) **Registration of Land** - Documentary evidence shall be provided to the PCA confirming registration of the approved subdivision with NSW Land & Property Information.
- (6) **Driveway Crossing Construction** - A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (7) **External Walls and Cladding Flammability** - The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate the Principal Certifying Authority must:
  - a) be satisfied that suitable evidence is provided to demonstrate that the products and systems used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
  - b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as built.
- (8) **Positive Covenant – OSD / On Site Retention / Water Quality Facility** - A positive covenant shall be created under Section 88E of the *Conveyancing Act 1919* burdening the owner(s) with a requirement to maintain the on-site detention, water quality facility and on-site retention/re-use facilities on the property, prior to the issue of an Occupation Certificate.

The terms of the Section 88E instrument with positive covenant shall include the following:

- a) the Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipeline s, trench barriers and other structures;
- b) the proprietor shall have the facilities inspected annually by a competent person;
- c) the Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order the facilities; and
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD and OSR, or failure to clean, maintain and repair the OSD and OSR.

The proprietor or successor shall bear all costs associated in the preparation of the subject Section 88E instrument. Proof of registration with Land and Property Information shall be provided to and approved by the PCA prior to the issue of an Occupation Certificate.

- (9) **Stormwater – Plan of Management (POM)** - The registered proprietor of the land shall prepare a Plan of Management (POM) for the on-site detention facilities. The POM shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements, and time intervals for such inspection and maintenance. The POM shall be provided to the PCA for approval.
- (10) **Completion of Road Works** - All approved road, footpath and/or drainage works, including vehicle crossings, must be completed in the road reserve in accordance with the *Roads Act* Approval.
- (11) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (12) **Waste Collection Contract** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. A copy of the contract is to be held on the premises at all times.
- (13) **Mechanical Exhaust System** - A Certificate of Compliance prepared by a suitably qualified engineer confirming that the mechanical exhaust systems have been designed, constructed and installed in accordance with the relevant requirements of Clause F4.12 of the BCA and AS1668 Parts 1 and 2, shall be provided to the PCA. Certification shall be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.
- (14) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this development consent.
- (15) **Inspection of Existing Street Trees** - All existing street trees must be inspected by Council to ensure that they are undamaged and in a healthy condition.
- (16) **Food Premises** - The following notification shall occur:
  - a) Council shall be notified that the premises is being used for the preparation, manufacture or storage of food for sale and an inspection of the completed fit out is to be conducted. A 'Food Business Registration' form can be found on Council's website.
- (17) **Directional Traffic Flow Signs** - All driveways shall be suitably signposted and directional arrows painted on the internal driveways. All signs shall be maintained in good repair at all times.
- (18) **Geotechnical Compliance Certificate** - A Certificate of Compliance prepared by a suitably qualified and experienced Geotechnical Engineer shall be provided to the PCA stating that the works detailed in the Geotechnical Report have been undertaken under the Engineer's supervision and to the Engineer's satisfaction, and that the assumptions relating to site conditions made in preparation of the report were

validated during construction. This certificate shall accompany the Works as Executed plans.

- (19) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.

- (20) **Works as Executed Plans** - Works As Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications.

Digital data must be in AutoCAD .dwg or .dxf format, and the data projection coordinate must be in (GDA94.MGA zone 56).

- (21) **Certification of On-site Detention and Water Quality Systems Works** - A certificate prepared by a suitably qualified engineer shall be submitted to the PCA and certify the following:

- (a) The works having been constructed in accordance with the approved plans.
- (b) The constructed on-site detention and water quality systems will function in accordance with the approved Construction Certificate plans.
- (c) Any variations from the approved drainage plans will not impair the performance of the on-site detention and water quality systems.

- (22) **Development Consent 2014/997/1** - The approved shared path, swale and retaining wall works along the western side of the South Creek tributary (abutting lots 3, 4 and 5), approved by Development Consent 2014/997/1, must be fully completed.

- (23) **Riparian Corridor Works** - The works required by the vegetation management plan for the entire South Creek Tributary, as approved by Development Consent 2012/277/1, must be fully completed.

## 6.0 - Prior to Issue of a Subdivision Certificate

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

- (1) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
- a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
  - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development; and
  - c) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can

be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (2) **Requirement for a Subdivision Certificate** - The application for subdivision certificate(s) shall be made in accordance with the requirements of Clause 157 of the Environmental Planning & Assessment Regulation 2000.
- (3) **Show Easements/ Restrictions on the Plan of Subdivision** - The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
- (4) **Burdened Lots to be Identified** - Any lots subsequently identified during the subdivision as requiring restrictions shall also be suitably burdened.
- (5) **Subdivision Certificate** - The issue of a Subdivision Certificate is not to occur until all conditions of this development consent have been satisfactorily addressed and all engineering works are complete (where the subdivision involves engineering works), unless otherwise approved in writing by the PCA.
- (6) **Fill Plan** - A fill plan shall be provided to the PCA prior to the issue of any Subdivision certificate. The plan must show (where applicable):
  - a) lot boundaries;
  - b) road/drainage/public reserves;
  - c) street names;
  - d) final fill contours and boundaries; and
  - e) depth in filling in maximum 0.5m Increments

The plan is to be provided electronically in portable document format (.PDF).

- (7) **Surveyor's Report** - Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be provided to the PCA, certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
- (8) **Value of Works** - Itemised data and value of civil works shall be provided to Council for inclusion in Council's Asset Management System in accordance with Council's Engineering Specifications.
- (9) **Electricity Notice of Arrangement** - A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy must be submitted to the PCA (Council). The arrangement must include the provision of street lighting in accordance with the electrical design approved by Council.
- (10) **Soil Classification** - A soil classification report prepared by a suitably qualified person in accordance with AS 2870 'Residential Slabs and Footings', detailing the general classification of soil type generally found within the subdivision, shall be provided to the PCA. A classification shall be provided for each lot within the subdivision. The soil classification report shall also be provided to Council.

- (11) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the PCA which incorporates the following easements, positive covenants and restrictions to user where necessary:
- a) easement for services;
  - b) easement to drain water and drainage easement/s over overland flow paths;
  - c) easement for on-site-detention;
  - d) positive covenant over the on-site detention / water quality facility for the maintenance, repair and insurance of such a facility;
  - e) easement for water quality facility;
  - f) retaining wall, positive covenant, and restriction to user;
  - g) reciprocal right of carriageway (the owners of the subject properties burdened by the right of carriageway shall be responsible for on-going maintenance and the Public Liability of the right of carriageway);
  - h) restriction as to user on all of the approved lots specifying that all development thereon must comply with the report titled "*Gregory Hills Corporate Park, DA Acoustic Report - Bulky Goods & Leisure Precinct, Project Number 20161659.1 Revision 2*" dated 13 July 2017 by Acoustic Logic; and
  - i) easements to allow the users of all approved developments to access and utilise all of the approved driveways and car parking spaces.
- (12) **Water Quality Facility** - A water quality facility must be constructed for the site in accordance with the approved plans and Council's Engineering Specifications.
- (13) **Water Quality Facility Operation, Maintenance and Monitoring Manual/s** - Operation, Maintenance and Monitoring Manual/s ('Manuals') for the permanent water quality facility shall be provided for approval to the PCA. The Manuals shall be prepared by a suitably qualified person in accordance with Council's Engineering Specifications.
- (14) **Compaction Report** - A compaction report must be submitted that demonstrates that all roads and lots have been compacted in accordance with Council's Engineering Specifications.

## 7.0 – Ongoing Use

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

- (1) **Occupation Certificate Required** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (3) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the buildings within 48 hours of its application.

- (4) **Hours of Operation** - The approved bulky goods premises and business premises are only to be open for business and used for the purpose approved within the following hours:

| Day                        | Hours of Operation |
|----------------------------|--------------------|
| Monday                     | 7am-10pm           |
| Tuesday                    | 7am-10pm           |
| Wednesday                  | 7am-10pm           |
| Thursday                   | 7am-10pm           |
| Friday                     | 7am-10pm           |
| Saturday                   | 7am-10pm           |
| Sunday and Public Holidays | 7am-10pm           |

The approved food and drink premises and recreation facilities (indoor) are only to be open for business and used for the purpose approved within the following hours:

| Day                        | Hours of Operation |
|----------------------------|--------------------|
| Monday                     | 7am-11pm           |
| Tuesday                    | 7am-11pm           |
| Wednesday                  | 7am-11pm           |
| Thursday                   | 7am-11pm           |
| Friday                     | 7am-11pm           |
| Saturday                   | 7am-11pm           |
| Sunday and Public Holidays | 7am-11pm           |

The approved cinema is only to be open for business and used for the purpose approved within the following hours:

| Day                        | Hours of Operation |
|----------------------------|--------------------|
| Monday                     | 9am-Midnight       |
| Tuesday                    | 9am-Midnight       |
| Wednesday                  | 9am-Midnight       |
| Thursday                   | 9am-Midnight       |
| Friday                     | 9am-Midnight       |
| Saturday                   | 9am-Midnight       |
| Sunday and Public Holidays | 9am-Midnight       |

- (5) **Loading/Unloading Activities** - All loading and unloading activities must comply with the following requirements:

- all loading and unloading operations are to be carried out wholly within the site;
- the provided loading docks and bays shall be used for all loading and unloading activities;
- bulky goods premises 1 and 2 are not approved to load/unload in the driveway adjacent to the rear of these premises. All of their loading/unloading activities must take place within the units;

- the loading areas shall only be utilised by a combined maximum of 78 vehicles per day;
  - all vehicles utilising the loading areas must switch off their engines when stopped in the loading areas. A sign stipulating this must be displayed at each loading area; and
  - all loading and unloading activities are prohibited between 10pm and 7am.
- (6) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.
- (7) **Parking Areas to be Kept Clear** - At all times, the loading, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (8) **Amenity** - The approved development shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations or residential/business premises.
- (9) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).
- (10) **No Waste to Be Stored Outside of the Site** - No waste is to be placed on any public land (eg. footpaths, roadways, plazas, reserves, etc.) or any other properties at any time.
- (11) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (12) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

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

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

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

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

full working order.

- (13) **Waste Rooms B and C** - Waste bins from waste rooms B and C must be moved to the time restricted loading bays on either side of vehicle path 7 for collection between 7am-9am on waste collection days. The waste bins must be moved back to their respective waste storage rooms immediately following the collection of the waste.
- (14) **Supplementary Storage and/or Food Handling Areas** - The use of supplementary storage and/or food handling areas, in addition to the approved food and drink premises, is prohibited.
- (15) **State Environmental Planning Policy 33 – Hazardous and Offensive Development (SEPP)** - This development is prohibited from storing any dangerous goods on the site which exceed the quantities listed in “Table 1. Screening Method to be Used” on page 17 of the Hazardous and Offensive Development Application Guidelines Applying SEPP 33 dated January 2011.

Furthermore, this development is prohibited from transporting to and from this site any dangerous goods which exceed the quantities listed in “Table 2. Transportation Screening Thresholds” on page 18 of the Hazardous and Offensive Development Application Guidelines Applying SEPP 33 dated January 2011.