

Details of 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. Department of Primary Industries, General Terms of Approval, reference ERM2017/0473, dated 28th August 2017.
 2. New South Wales Rural Fire Service, reference D17/1749, dated 9th June 2017.
 3. New South Wales Police Force, dated 19th June 2017.
- (2) **Controlled Activity Approval** – The attached GTA issued by DPI Water do not constitute an approval under the Water Management Act, 2000. The development consent holder must apply to DPI Water for a Controlled Activity Approval after consent has been issued by Council and before the commencement of any work or activity.
- (3) **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/ Drawing No.	Name of Plan	Prepared by	Date
59620	Plan of proposed subdivision	Lean Lackenby & Hayward	7/03/2017
A00.20 DA-03	GLAR & Carparking Analysis	BN Group Pty Ltd	20/10/2017
A02.01 DA-03	Proposed site plan – roof level	BN Group Pty Ltd	20/10/2017
A06.01 DA-03	Proposed floor plan – ground level	BN Group Pty Ltd	20/10/2017
A06.10 DA-03	Proposed floor plan – roof level	BN Group Pty Ltd	20/10/2017
A10.01 DA-03	Proposed elevations - North	BN Group Pty Ltd	20/10/2017
A10.02 DA-03	Proposed elevations - South	BN Group Pty Ltd	20/10/2017
A10.03 DA-03	Proposed elevations - East	BN Group Pty Ltd	20/10/2017
A10.04 DA-03	Proposed	BN Group Pty	20/10/2017

	elevations - West	Ltd	
A12.01 DA-03	Proposed site sections	BN Group Pty Ltd	20/10/2017
A60.01 DA-03	Proposed signs & displays	BN Group Pty Ltd	20/10/2017
A100.90 DA-03	Materials sample board	BN Group Pty Ltd	20/10/2017
210113-TC2-DA-001 Revision 03	Notes and legend sheet	Cardno	16/10/2017
210113-TC2-DA-010 Revision 05	General arrangement plans	Cardno	23/10/2017
210113-TC2-DA-020 Revision 05	Erosion & sediment control and demolition plan	Cardno	23/10/2017
210113-TC2-DA-021 Revision 03	Sediment & erosion control devices	Cardno	16/10/2017
210113-TC2-DA-030 Revision 03	Siteworks and stormwater drainage plan sheet 1	Cardno	16/10/2017
210113-TC2-DA-031 Revision 04	Siteworks and stormwater drainage plan sheet 2	Cardno	23/10/2017
210113-TC2-DA-032 Revision 04	Siteworks and stormwater drainage plan sheet 3	Cardno	16/10/2017
210113-TC2-DA-033 Revision 03	Siteworks and drainage plan sheet 4	Cardno	16/10/2017
210113-TC2-DA-050 Revision 05	Pavement plan	Cardno	23/10/2017
210113-TC2-DA-090 Revision 05	Catchment plan	Cardno	23/10/2017
68-16.01 Issue D	Palettes, schedule, notes & details	Distinctive Living Design	17/07/2017
68-16.02 Issue D	Landscape master plan	Distinctive Living Design	17/07/2017
68.16.03 Issue D	Bridge junction detail plan	Distinctive Living Design	17/07/2017
68.16.04 Issue D	Medical centre forecourt detail plan	Distinctive Living Design	17/07/2017
68-16.05 Issue D	Pedestrian access & mall entry detail plan	Distinctive Living Design	17/07/2017

Document Title	Prepared by	Date
Report on Salinity Investigation and Management Plan – Gregory Hills Town Centre, Gregory Hills Drive, Gregory Hills	Douglas Partners	17 June 2011
Civil Engineering Assessment – Gregory Hills Town Centre Version 3	Cardno	10 February 2017

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

- a) The painted and patterned façade upon the Southern elevation shall be extended along the eastern elevation for the entire length of building, ending at the change of façade building material (wall cladding).
- b) The approved architectural and landscape plans shall be consistent in respect to the carpark layout and design as shown within the approved civil engineering plans. All Construction Certificate plans shall be consistent with this requirement.
- c) The collection points of all waste and bin types, including front lift bins shall be shown upon the architectural plans.

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

- (5) **Separate Approval for Use** – Approval is given for the construction of a commercial development and the use of the individual tenancy spaces for ‘ retail premises ‘, ‘ medical centre ‘ and ‘ shop ‘ as defined under State Environmental Planning Policy (Sydney Growth Centres) 2006. The fitout of individual tenancies may be undertaken pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Any proposed use not consistent with the defined uses nominated above must be approved by the Consent Authority prior to that use commencing.
- (6) **Signage Details** – Detailed signage elevations showing construction details, colour, content and graphics shall be submitted to the Certifying Authority with the Construction Certificate Application, and shall be compliant with Section B4.1 of Camden Development Control Plan 2011.
- (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) **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.
- (9) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.

- (10) **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.

- (11) **Outdoor Lighting** – The approved development must include lighting in all areas that complies with AS 1158 and AS 4282.
- (12) **Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.
- (13) **Medical Practice Licencing Requirements** – The approved private medical practice must satisfy the licencing requirements of the *Private Health Facilities Act 2007* and the Private Health Facilities Regulation 2010.
- (14) **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*.

- (15) **Infrastructure in Road and Footpath Area** – Infrastructure must not be removed and / or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of tram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street footpath area for the proposed development shall be borne by the applicant, and not Council.

Note – The issue of this development consent does not imply concurrence or approval of any required public infrastructure work associated with the development.

- (16) **VPA** - The proposed development shall be carried out in accordance with the Voluntary Planning Agreement executed between Council and Dart West Developments Pty Limited and Trustees of the Marist Brothers, dated 2nd September 2016.

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) **Acoustic Requirements** – All Mechanical Plant installed within the development site shall not exceed:

- i. Day – 55db(A)
- ii. Evening – 45db(A)
- iii. Night – 40db(A) When measured at the nearest residential receiver.

The selection of mechanical plant shall be undertaken in consultation with a suitably qualified Acoustic Consultant. All mechanical plant shall be positioned on the roof top in an area that will minimise all noise impacts. Details demonstrating compliance shall be provided to the Certifying Authority and the Consent Authority.

- (2) **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.

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

- a) the driveway shall comply with Council's Design and Construction Specification Access Driveways and Council's Engineering Specifications;
- 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.

- (4) **Parking Compliance** – Vehicle parking facilities are to be designed in accordance with AS2890.1, AS2890.2 – 2002 and AS2890.6.

- (5) **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 detailed 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. Such plan is to be generally consistent with the Stormwater Management Strategy documented in the approved plans.

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

- (6) **Retaining Walls** - All retaining walls shall be designed and certified by a suitably qualified structural engineer in accordance with Council's Engineering Specifications.
- (7) **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.
- (8) **Pollutants** - Discharge of pollutants is strictly forbidden. Measures to prevent the pollution of waters, air and land shall be incorporated into the development to comply with the requirements of the *Protection of the Environment Operations Act 1997*.

Where there is potential for pollutant discharge, a report by a suitably qualified expert shall be provided to the PCA detailing the pollution mitigation measures incorporated into the building design so that any discharges comply with the requirements of the *Protection of the Environment Operations Act 1997*.

- (9) **Garbage Room(s)** – 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 room(s) are to be designed and constructed to satisfy the following requirements:
 - a. Must be of solid material, cement rendered and trowelled to a smooth even surface.
 - b. Floors are to be impervious, coved, graded and drained to an appropriate floor waste connection.
 - c. Floors shall not contain lips, steps or significant changes in grade between waste storage areas and waste collection areas.
 - d. Walls are to be smooth impervious surfaces.
 - e. Ventilation, pest proofing and a hose tap must be provided.
 - f. Dimensions of the access way (height and width) between the waste storage area and the adjoining commercial tenancies and waste collection areas shall allow for the transfer of all waste streams and waste / recycling bin types.

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

- (10) **Waste Management Plan** – A waste management plan shall be prepared detailing the following requirements:
 - Contractor Name
 - Collection frequency
 - Waste generation rates (litres per day), including sharps, putrescible and clinical waste
 - Recycling generation rates (litres per day)
 - Number, type and size (specified in litres) of waste bins per each waste storage area
 - Number, type and size (specified in litres) of recycling bins per each waste storage area

- Layout of each waste storage room, including the locations of each different bin type, balers and baler packing infrastructure
- Compaction rate
- Inclusion of sharps collection service

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

- (11) **Mechanical Exhaust System** - Mechanical exhaust system(s) shall comply with the BCA and AS 1668 Parts 1 and 2 (including exhaust air quantities and discharge location points). Details demonstrating compliance shall be provided to the Certifying Authority.

- (12) **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.

- (13) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Appendix B of Council's Engineering Design Specifications and the following requirement:

- a. Large trees are to be sourced in accordance with tests and measurements contained within AS2303-2015 – Tree Stock for Landscape Use.
- b. The landscape design is to improve climate amelioration and energy conservation objectives by incorporating large deciduous species positioned on the north-western aspects of the centre and car park area. Proven and suitable species include; *Quercus palustris* 'Pringreen' and *Liquidamber styraciflua* 'Ward'.
- c. Larger tree species are to be provided along the entire length of Gregory Hills Drive frontage at the rate of 1 tree every ten metres. Tree species selection can be derived from Council's preferred tree list.

<http://www.camden.nsw.gov.au/assets/pdf/Environment/Biodiversity/2015/15-67558-Final-Tree-Management-Policy-Appendix-A-Tree-and-Landscape-Species-List.pdf>

- d. *Ginkgo biloba* is to be substituted with a suitable tree species chosen from Council's preferred tree list.

<http://www.camden.nsw.gov.au/assets/pdf/Environment/Biodiversity/2015/15-67558-Final-Tree-Management-Policy-Appendix-A-Tree-and-Landscape-Species-List.pdf>

Details demonstrating compliance shall be provided to the Certifying Authority.

- (14) **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.

- (15) **Mechanical Ventilation** - Any room or area not provided with natural ventilation in accordance with the relevant requirements of the Building Code of Australia must be provided with a system of mechanical ventilation that complies with the requirements of Australian Standard 1668, Parts 1 & 2. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (16) **De-Watering Plan** – A de-watering plan for the site's existing waterbody must be prepared.
- (17) **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.

- (18) **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.
- (19) **Damages Bonds** - 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.

- (20) **Potable Water Consumption** – Details must be provided to the Certifying Authority which demonstrates 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 principle contractor 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 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 Management Plan** - A construction management plan that includes dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the PCA.
- (12) **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, include the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must be kept on site for compliance until the completion of all construction works.

- (13) **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.

- (14) **Construction Noise Management Plan** – A construction noise management plan shall be provided to the PCA and include the following:

- i) noise mitigation measures;
- ii) noise and/or vibration monitoring;
- iii) use of respite periods;
- iv) complaints handling; and
- v) community liaison and consultation.

- (15) **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.

- (16) **Protection of Adjoining Bushland and/or Waterfront Areas** – To limit the potential for damage to the adjoining bushland areas and/or waterfront areas, the boundaries to these areas must be fenced prior to the commencement of any earthworks, demolition, excavation or construction works. As well as the fencing prior to any

earthworks commencing, other protection measures must be completed in accordance with the standards as specified in AS 4970.

The fencing must be kept in place until the completion of development and maintenance works and be marked by appropriate signage notifying all site visitors that the subject trees and vegetation areas are protected. The fencing should be a minimum of a 1.8 metres high chain link or welded mesh fencing.

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) **Construction 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) **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*.

- (5) **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.
- (6) **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.
- (7) **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.
- (8) **Site Signage** - A sign shall be erected at all entrances to the development site and be maintained until issue of the Occupation Certificate. 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.

- (9) **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.
- (10) **Fill Compaction** - All fill must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (11) **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)

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.

- (12) **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.
- (13) **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.
- (14) **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.
- (15) **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.
- (16) **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.
- (17) **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 6000m³ - 3 sampling locations; and
- f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ 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 ³)
Virgin Excavated Natural Material	1 (see Note)	1000 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.

- (18) **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.
- (19) **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).

- (20) **Construction Noise Management Plan** - All operations must be carried out in accordance with the recommendations contained in the Construction Noise Management Plan, including:
 - a) noise mitigation measures;
 - b) noise and/or vibration monitoring;
 - c) use of respite periods;
 - d) complaints handling; and

e) community liaison and consultation

- (21) **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.

- (22) **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 ' Salinity Management Plan – Report on Salinity Investigation and Management Plan, Gregory Hills Town Centre, Gregory Hills Drive, Gregory Hills, prepared by Douglas Partners, Project No. 40741.60, dated June 2011. '

- (23) **Carpark Acoustic Attenuation Measures** – The following carpark acoustic attenuation measures shall be installed:

- The car park pavement shall be smooth and level to ensure minimal vertical displacement.
- Traffic calming devices shall be applied to limit vehicle speeds to a maximum of 10km/hour. No speed humps are to be used within the carpark.
- All grates and cover plates shall be fixed flush and tight. Any drainage grates (if located on vehicle travel paths) shall be rigidly fixed.

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) **Completion of Kavanagh Street and Dedication** – Completion of road works and evidence of registration that the sites frontage to Kavanagh Street is a public road shall be provided prior to issue of the Occupation Certificate.
- (2) **Occupation Certificate Required** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (3) **Works As Executed Plan** – 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 (GDA94.MGA zone 56).

- (4) **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.

- (5) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (6) **Section 73 Compliance Certificate** – A Compliance Certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to mains. A Section 73 Compliance Certificate must be completed before an Occupation Certificate will be issued. 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.

Go to sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.
- (7) **Completion of Road Works** - All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the *Roads Act* Approval.
- (8) **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 be as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (9) **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.
- (10) **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.
- (11) **Incomplete Works Bond** – Where the applicant proposes deferral of work in accordance with Council's engineering specifications, a bond is to be lodged with Council for the construction of incomplete works in accordance with Council's Development Infrastructure Bonds Policy.

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

- (12) **Footpath Works Bond** – Where the applicant proposes deferral of work in accordance with Council's engineering specifications, a bond is to be lodged with Council for the construction of concrete footpaths and/or pedestrian/cycle shared ways works in accordance with Council's Development Infrastructure Bonds Policy.

The deferred footpath works must be completed once 80% of housing has been constructed within the approved subdivision, or within 2 years from the date of deferral, whichever occurs first.

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

- (13) **Defects and Liability Bond** – The applicant is to lodge a bond with Council to cover any defects and liabilities of any new public infrastructure in accordance with Council's Development Infrastructure Bonds Policy.

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

- (14) **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.
- (15) **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.
- (16) **Acoustic Compliance Report** – A report shall be prepared by an independent acoustic consultant and be submitted to the PCA certifying that noise levels from the use of the ventilation equipment, kitchen exhausts and any other plant associated with the building comply with the following criteria when measured at the nearest residential boundary:
- Day 55dB(A) 7am – 6pm;
 - Evening 45dB(A) 6pm – 10pm; and
 - Night 40dB(A) 10pm – 7am.

All noise attenuation materials and structures used for the mitigation control of noise must be compliant with the conditions of this development consent.

For any non-compliance, the report must make recommendations for compliance or further attenuation of noise sources and these recommendations will be enforced by Council at the cost of the owner/occupier.

The owner/occupier must then provide a supplementary acoustic report to the PCA certifying that all compliance works have been completed and that noise levels comply with the above criteria.

- (17) **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.
- (18) **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.
- (19) **Section 88B** – 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:

Salinity Management Plan – Report on Salinity Investigation and Management Plan, Gregory Hills Town Centre, Gregory Hills Drive, Gregory Hills, Prepared by Douglas Partners, Project No. 40741.60, Dated June 2011.

6.0– Prior to Issue of a Subdivision Certificate

- (1) **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.
- (2) **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.
- (3) **Burdened Lots To Be Identified** – Any lots subsequently identified during the subdivision as requiring restrictions shall also be suitably burdened.
- (4) **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.
- (5) **Fill Plan** – A fill plan shall be provided to the PCA prior to the issue of any Subdivision Certificate. The plan must show:
 - 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)

- (6) **Incomplete Works** – Prior to the issue of the Subdivision Certificate the applicant is to lodge a bond with Camden Council for the construction of incomplete works, including, but not limited to, concrete footpath and / or pedestrian / cycle shared way, in accordance with Camden Council's current Engineering Construction Specifications.

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

- (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).
- (10) **Works As Executed Plan** – 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).

- (11) **Section 88B** – The applicant shall prepare a Section 88B Instrument for approval by the PCA which incorporates the following easements, positive covenants and restrictions to user which necessary:

- a) Easement for services;
- b) Easement to drain water and drainage easement/s over overland flow paths;
- c) 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)

- (12) **Compaction Report** – A compaction report must be submitted that demonstrates that all lots have been compacted in accordance with Council's Engineering Specifications.

- (13) **Lot Numbers** – Lot numbers must be stencilled on the face of the kerb or in alternative locations directed by the PCA.

The stencil medium must be of good quality UV stabilised paint and applied to the kerb thusly:

- a) Lot numbers – White number in Brunswick Green background located on the prolongation of both common boundaries of each lot.

7.0 – Ongoing Use

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

- (1) **Display of Goods on Footpath** - No goods are to be displayed outside the confines of the building.
- (2) **Manoeuvring of Vehicles** – All vehicles shall enter and exit in a forward direction.
- (3) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (4) **Hours of Operation** - The property is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday to Sunday, including public holidays	6am to Midnight

- (5) **Loading Dock Hours of Operation** – Delivery vehicles to the site shall only occur between the hours of 7.00am – 10.00pm Monday to Friday and 8am – 10.00pm Saturday to Sunday, including public holidays.

A single refrigerated delivery vehicle is permitted for delivery purposes between the hours of 6am – 7am Monday to Saturday.

- (6) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site.

The loading dock (if provided) shall be used for loading and unloading operations in connection with the approved use.

- (7) **Parking – Signage (Loading docks)** - Proposed parking areas, service bays, truck docks, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/ unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.
- (8) **Approved Signage Maintenance** - The approved sign(s) shall be maintained in a presentable and satisfactory state of repair. Where illumination has been approved, the level of illumination and/or lighting intensity used to illuminate the sign/s shall comply with AS 1158 and AS 4282.
- (9) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.
- (10) **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.
- (11) **Discharge into Waterways** – No wastewater, chemicals or other substances shall be permitted to discharge to the waterway that runs adjacent to the site. Only clean, unpolluted water is permitted to discharge. All liquids (such as oils, lubricants, hydraulic fluids, fuel, paints, detergents and any other chemicals) shall be stored in a covered and suitably bunded area.
- (12) **Liquid Spills** - Sufficient supplies of appropriate absorbent materials and other spill prevention and clean-up materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill and sweeping or shovelling the material into a secure bin. Materials used to clean up shall be disposed of to an appropriately licensed waste facility.
- (13) **Storage of goods** - The storage of goods and materials shall be confined within the building. At no time shall goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (14) **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.
- (15) **Chemical Bunding** - All paints, chemicals and other liquids shall be stored in approved receptacles, which shall be housed in a suitably constructed, covered, impervious bunded area. The bunded area shall be constructed of impervious material and being able to effectively store a minimum of 110% of the volume of the largest container stalled or 25% of total volume of the stored product for facilities storing small containers.
- (16) **Pollution Control** - The use and operation of the premises shall not give rise to the discharge (by air, water or land) of any pollutant which may degrade the environment or be prejudicial to its inhabitants, in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

The use shall operate in accordance with the following:

- a) all pollution control devices (Including drainage systems, sumps and traps) shall be regularly maintained;
 - b) all liquid wastes shall be collected and disposed of in a manner which does not pollute the stormwater system;
 - c) all paints chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area;
 - d) appropriate equipment and absorbent material shall be provided and maintained in a prominent position in order to combat any spill; and
 - e) the emission of gases, vapours, dusts or other impurities which are in breach of the *Protection of the Environment Operation Act 1997* if forbidden; where the development is part of a multi-occupancy premises air emissions from the development shall not enter the atmosphere of any other occupancy within the premises.
- (17) **Emission Requirements** - All gases, odours, dust, fumes, steam, moisture and particulate matter generated by the use of the premises shall be collected into approved stacks for discharge to the atmosphere. The quality of the discharges from the stack system shall comply with the requirements of the *Protection of the Environment Act 1997* and Regulations made thereunder.
- (18) **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).
- (19) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (20) **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.