

## Details of Conditions:

### 1.0 - General Conditions of Consent

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

- (1) **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
DA00 Issue H	Cover Sheet/Location Plan	MM Atelier Architects	31 May 2018
DA01 Issue H	Site Plan – Ground Floor	MM Atelier Architects	31 May 2018
DA02 Issue H	Site Plan – Level 1 & 2	MM Atelier Architects	31 May 2018
DA10 Issue H	Ground Floor Plan	MM Atelier Architects	31 May 2018
DA11 Issue H	Level 1 – Cinema Entry Plan	MM Atelier Architects	31 May 2018
DA12 Issue G	Level 2 – Biobox Floor Plan	MM Atelier Architects	31 May 2018
DA13 Issue G	Roof Plan	MM Atelier Architects	31 May 2018
DA14 Issue H	Car Park Ground Floor Plan	MM Atelier Architects	31 May 2018
DA15 Issue H	Car Park Level 1 Floor Plan	MM Atelier Architects	31 May 2018
DA20 Issue G	Elevations – Sheet 1	MM Atelier Architects	31 May 2018
DA21 Issue G	Elevations – Sheet 2	MM Atelier Architects	31 May 2018
DA25 Issue G	Sections	MM Atelier Architects	31 May 2018
DA23 Issue A	Carpark Coloured Elevations	MM Atelier Architects	7 September 2018
DA30 Issue G	Montage	MM Atelier Architects	5 September 2018
DA30A Issue H	Montage	MM Atelier Architects	5 September 2018
80218030 – SKC01 Rev 3	Concept Stormwater Layout Plan – Sheet 1	Cardno	22 May 2018
80218030 – SKC02 Rev 3	Concept Stormwater Layout Plan – Sheet 2	Cardno	22 May 2018
80218030 – SKC03 Rev 3	Catchment Plan	Cardno	22 May 2018

80218030 – SKC04 Rev 3	On-Site Detention Tank Details	Cardno	22 May 2018
80218030 – SKC05 Rev 3	Erosion and Sediment Control Plan Details	Cardno	22 May 2018
80218030 – SKC06 Rev 2	Cut and Fill Plan	Cardno	22 May 2018
59396 Sheet 1 of 1	Plan Showing Levels and Detail	Lean & Lackenby & Hayward	7 December 2012
64-17.00 Issue B	Coversheet	Distinctive Living Design	21 December 2017
64-17.01 Issue B	Palettes, Schedule, Notes & Details	Distinctive Living Design	21 December 2017
64-17.02 Issue B	Landscape Master Plan	Distinctive Living Design	21 December 2017
64-17.10 Issue B	Landscape Plan 01	Distinctive Living Design	21 December 2017
64-17.02 Issue B	Landscape Plan 02	Distinctive Living Design	21 December 2017
64-17.12 Issue B	Landscape Concept Plan 03	Distinctive Living Design	21 December 2017
64-17.13 Issue B	Landscape Plan 04	Distinctive Living Design	21 December 2017

Document Title	Prepared by	Date
Gregory Hills Entertainment Precinct – Waste Management Plan – Rev B	Submitted with DA Documentation	Submitted with DA Documentation
United Cinema Complex Gregory Hills Request for Additional Information Response	Positive Traffic	29 May 2018
Economic Impact and Demand Assessment Entertainment Facility Including Cinemas 2-64 Steer Road Gregory Hills	Don Fox Planning	June 2018
Traffic and Parking Assessment Report	Positive Traffic	December 2017
Environmental Noise Impact Assessment Rev 3	Acoustic Logic	14 December 2017
BCA Assessment Report	GRS Building Reports Pty Ltd	13 December 2017
Stormwater Management Report	Cardno	7 December 2017

- (2) **Separate Approval for Fit Out** - A separate development application for the fit out of the building/each tenancy (commercial tenancies 1 to 10 and indoor recreation tenancies 1 to 3) shall be provided to, and approved by, the Consent Authority (unless the fit out is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008).

- (3) **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.
- (4) **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.
- (5) **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.

- (6) **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.
- (7) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (8) **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.
- (9) **Prohibition of Burning** - The open burning of waste and other refuse is prohibited throughout the Camden LGA.
- (10) **Outdoor Lighting** – The approved development must include lighting in all areas that complies with AS 1158 and AS 4282.
- (11) **Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.
- (12) **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.

- (13) **Noxious Weeds Management** - Weed dispersion must be minimised and weed infestations must be managed during all stages of the development. 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 *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*, 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 to prevent the spread of all weeds to or from the property.

Earth moved containing noxious weed material must be disposed of at an approved waste management facility and be transported in compliance with the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*.

- (14) **Food Premises** - The design, construction, fit-out, 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

## 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) **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.
- (2) **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.
- (3) **Car Park Noise Control** – All off-street (including basement) car parks must have a coved finish with Slabseal 2000 SR sealant (or similar equivalent 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.

- (4) **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.

- (5) **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.

- (6) **DRAINS and MUSIC Model Electronic Files** - Prior to issue of the Construction Certificate, the applicant shall submit to the Certifying Authority the electronic DRAINS and MUSIC models of the water quantity and quality system for assessment. The models shall be consistent and accurately reflects the approved stormwater drainage plans and in accordance with Council's Engineering Specifications.
- (7) **Minimum Grade of Stormwater Pipes** - All stormwater pipes shall be set at minimum 1.0% grade.
- (8) **Retaining Walls** - All retaining walls shall be designed and certified by a suitably qualified structural engineer in accordance with Council's Engineering Specifications.
- (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) **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.
- (11) **Damage 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.

- (12) **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.

- (13) **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.

- (14) **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.

- (15) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m 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.

- (16) **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.

- (17) **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.

- (18) **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 room(s) are to be constructed of solid material and finished as 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 to ensure no moisture, oils or similar material can soak in. Ventilation, pest proofing and a hose tap must be provided.

- (19) **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.

- (20) **Driveway Gradients and Design** - The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' 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](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.

- (21) **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.

- (22) **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 7.23 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.

### 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) **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.
- (2) **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.
- (3) **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.



- (4) **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.
- (5) **Construction Certificate Required** - In accordance with 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;
  - 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.
- (6) **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.
- (7) **Site is to be Secured** - The site shall be secured and fenced.

- (8) **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.

- (9) **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.
- (10) **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.

- (11) **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.
- (12) **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.
- (13) **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.

#### 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) **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 "Report on Salinity Management Plan- proposed central Hills Business Park, Gregory Hills project 40741.14 Revision 2 Dated January 2010 prepared by Douglas Partners".

- (3) **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.

- (4) **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.
- (5) **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.
- (6) **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.
- (7) **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).

- (8) **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.

- (9) **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.
- (10) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (11) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected

to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation shall:

- a) preserve and protect the building from damage;
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

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

(12) **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*.

- (13) **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.

- (14) **Site Signage** - A sign shall be erected at all entrances to the development 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.

- (15) **Seal Up Existing Redundant Laybacks** – All existing redundant laybacks must be sealed up to match the existing concrete gutter on the road.

- (16) **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.

- (17) **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.

- (18) **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 street gutter. Stormwater drainage is to be installed 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.

- (19) **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.
- (20) **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.
- (21) **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.
- (22) **Fill Compaction** - All fill must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (23) **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.
- (24) **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.
- (25) **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;
- 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 (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.

## 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) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **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.
- (3) **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:
  - 50 dB(A) 7am – 6pm;
  - 45 dB(A) 6pm – 10pm;
  - 40 dB(A) 10pm – 7am; and,
  - 65 dB(A) at any commercial boundary.

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.

- (4) **Fire Safety Certificate** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (5) **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 NSW Land Registry Services shall be provided to and approved by the PCA prior to the issue of an Occupation Certificate.

- (6) **Stormwater – Plan of Management (POM)** - The registered proprietor of the land shall prepare a Plan of Management (POM) for the on-site detention facilities and water sensitive urban design 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.
- (7) **Certification of On-site Detention and Water Quality Systems Works** - *Prior to the Occupation Certificate being issued, a certificate prepared by a suitably qualified engineer shall be submitted to the Principal Certifying Authority certifying the following:*
  - (a) The works have 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; and,
  - (c) Any variations from the approved drainage plans will not impair the performance of the On-site Detention and Water Quality systems.
- (8) **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).

- (9) **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.
- (10) **Directional Traffic Flow Signs** - All driveways shall be suitably signposted and directional arrows painted on the internal driveways as per the approved plans. 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) **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.
- (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) **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.
- (16) **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.

- (17) **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.
- (18) **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.
- (19) **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.
- (20) **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.
  - 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.
- (21) **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.
- (22) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.

## 6.0 – Ongoing Use

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

- (1) **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).
- (2) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (3) **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.
- (4) **Display of Goods on Footpath** - No goods are to be displayed outside the confines of the building.
- (5) **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.
- (6) **Hours of Operation** - The property is only to be open for business and used for the purpose approved within the following hours:

- 9am to 12am every day.

The cinema is permitted to operation until 3am a maximum of 12 times a year for midnight screenings. An annual register of the midnight screenings must be kept on the premises.

- (7) **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.
- (8) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.
- (9) **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.
- (10) **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.
- (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) **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.

#### **Reasons for Conditions:**

- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the Building Code of Australia and applicable Australian Standards.
- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and 7.11 contributions plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.