

Recommended 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 documents, 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
AD-DA001 Revision J	Site Plan	Scott Carver	20 February 2020
AD-DA100 Revision R	Basement 2 Plan	Scott Carver	20 February 2020
AD-DA101 Revision S	Basement 1 Plan	Scott Carver	20 February 2020
AD-DA102 Revision R	Ground Floor Plan	Scott Carver	20 February 2020
AD-DA103 Revision N	Level 1 Podium Plan	Scott Carver	20 February 2020
AD-DA105 Revision K	Roof Plan	Scott Carver	20 February 2020
AD-DA110 Revision N	Floor Plan -Building 1 Level 1	Scott Carver	20 February 2020
AD-DA111 Revision R	Floor Plans – Building 1	Scott Carver	20 February 2020
AD-DA130 Revision G	Commercial Building Plans	Scott Carver	27 September 2019
AD-DA150 Revision C	Residential Garbage Rooms and Loading Dock Plan	Scott Carver	27 September 2019
AD-DA200 Revision Q	Site Elevations Plan 1	Scott Carver	20 February 2020
AD-DA201 Revision P	Site Elevations Plan 2	Scott Carver	20 February 2020
AD-DA202 Revision Q	North Elevation Main Street Plan	Scott Carver	20 February 2020
AD-DA203 Revision N	East Elevation Central Avenue Plan	Scott Carver	20 February 2020

AD-DA204 Revision M	South Elevation Peter Brock Drive Plan	Scott Carver	20 February 2020
AD-DA205 Revision M	West Elevation and Section Plan 1	Scott Carver	20 February 2020
AD-DA206 Revision L	Section Plan 2	Scott Carver	20 February 2020
AD-DA207 Revision J	Section Plan 3	Scott Carver	20 February 2020
AD-DA208 Revision K	Section Plan 4	Scott Carver	20 February 2020
AD-DA209 Revision J	Section Plan 5	Scott Carver	20 February 2020
AD-DA210 Revision F	Section Plan 6	Scott Carver	20 February 2020
DA012 Revision F	Basement Drainage Layout Plan 1	Van der Meer Consulting	17 July 2019
DA013 Revision F	Basement Drainage Layout Plan 2	Van der Meer Consulting	17 July 2019
DA014 Revision F	OSD Tank Details	Van der Meer Consulting	17 July 2019
DA023 Revision D	Catchment Plan and DRAINS Output	Van der Meer Consulting	17 July 2019
DA010 Revision C	Erosion and Sediment Control Plan	Van der Meer Consulting	5 April 2019
DA011 Revision F	Site Drainage Plan	Van der Meer Consulting	23 April 2019
DA020 Revision F	Main Street Layout and Long Section Plan 1	Van der Meer Consulting	23 April 2019
DA021 Revision F	Main Street Layout and Long Section Plan 2	Van der Meer Consulting	23 April 2019
DA022 Revision C	Main Street Typical Sections	Van der Meer Consulting	5 April 2019
LD-DA100 Revision 3	Public Domain General Arrangement Plan	Scott Carver	18 April 2019

LD-DA101 Revision 3	Public Domain Detail Plan 1	Scott Carver	3 October 2018
LD-DA102 Revision 3	Public Domain Detail Plan 2	Scott Carver	3 October 2018
LD-DA103 Revision 3	Public Domain Detail Plan 1	Scott Carver	3 October 2018
LD-DA110 Revision 2	Level 1 Podium General Arrangement Plan	Scott Carver	3 October 2018
LD-DA111 Revision 2	Level 1 Podium Detail Plan 1	Scott Carver	3 October 2018
LD-DA112 Revision 2	Level 1 Podium Detail Plan 2	Scott Carver	3 October 2018
LD-DA113 Revision 2	Level 1 Podium Detail Plan 3	Scott Carver	3 October 2018
LD-DA200 Revision 3	Public Domain Section AA and BB	Scott Carver	18 April 2019
LD-DA201 Revision 3	Public Domain Section C	Scott Carver	18 April 2019
LD-DA210 Revision 1	Level 1 Podium Section AA, BB and CC	Scott Carver	3 October 2018

Document Title	Prepared by	Date
Oran Park Town Centre Acoustic Assessment – Stage 2	Acoustic Logic Ref 20171172.1/0402A/R0/TT	14/8/2018
Oran Park Town Centre, Podium II - Response to Council Queries	Acoustic Logic Ref 20171172.1/0402A/R0/TT	04/02/2019 And 18/7/2019
Salinity Management Plan	Douglas Partners Ref 34272.91	March 2014
Oran Park Podium Stage 2 Operational Waste Management Plan	Waste Audit	April 2019
Waste Management Plan	Greenfields Development Company	-
ESD DA Report	Cundall	8/10/2018

Oran Park town centre, stage 2 – Preliminary fire safety engineering review	Defire	5/10/2018
BCA Capability Report	Vic Lilli and Partners	15/8/2018
Access Review	Morris Goding Access Consulting	4/10/2018
BASIX Certificate No. 858674M_02	Cundall	9 April 2020

- (2) **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.
- (3) **Separate Approval for Use** - A separate development application for the fit out and use of the building/each tenancy including food premises, hair salons and beauty salons (including both Skin Penetration and non-skin penetration premises) shall be provided to, and approved by Council prior to that use commencing (unless the fit out and use is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008).
- (4) **Separate Approval for Signs** - A separate development application for any proposed signs shall be provided to and approved by Council 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).
- (5) **National Construction Code – Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA. In this condition, 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.
- (6) **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 principal certifier prior to the excavation commencing.

- (7) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.

- (8) **Prohibition of Burning** - The open burning of waste and other refuse is prohibited throughout the Camden LGA.
- (9) **Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.
- (10) **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 or appropriately screened and not appear visually prominent or dominant from any public view.
- (11) **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*.

- (12) **Infrastructure in Road and Footpath Areas** – 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 pram 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.
- (13) **Street Lighting** - Street lighting shall be designed and installed in accordance with relevant Australian Standards and to the satisfaction of the Roads Authority (Council). Street lighting should be located to not be obstructed by street tree plantings.
- (14) **Construction of Permanent Water Quality Facilities** - Permanent water quality facilities must be constructed:
a) in accordance with the approved plans; and
b) to Council's standards.
- (15) **Car parking allocation** - All residential units are to be allocated at least one car parking space in accordance with the Oran Park Precinct Development Control Plan 2007. Adaptable units should be allocated accessible car parking spaces.
- (16) **Waste storage and collection areas** – All waste storage and collection areas shall provide the following:
- Retail general waste skip area:
 - must have a smooth graded ground surface;
 - must provide a drain in the skip area;
 - shall ensure that putrescible wastes do not drain into stormwater systems.

- Combined Bin Collection Area:
 - must have a smooth graded ground surface;
 - must be protected from inclement weather conditions via a roof;
 - must have a minimum ceiling height of 2.4m;
 - must provide an external water tap adjacent to the storage area;
 - must provide a drain in the bin storage area discharging to a sewer connection.
 - Doors on all waste rooms must be a minimum of 1.8m wide.
- (17) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (18) **Home Building Act** - Pursuant to Section 4.17(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the PCA for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
 - i) has been informed in writing of the name and licence number of the principal contractor; and
 - ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder:
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (19) **Home Building Act – Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989*, shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.
- This clause does not apply:
- a) to the extent to which an exemption is in force under Clause 187 or 188 of the EP&A Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the EP&A Regulation 2000; or
 - b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.
- (20) **Street Tree Establishment and Maintenance Period** - For a period of 12 months commencing from the installation date of the street trees and their protective guards, the applicant will be responsible for their successful establishment.
- At the completion of the 12 month establishment and maintenance period all street trees plantings must have signs of healthy and vigorous growth and all protective guards must be in an undamaged, safe and functional condition.
- (21) **VPA** – The proposed development must be undertaken in accordance with the terms and conditions of the Voluntary Planning Agreement (VPA) made between Camden Council, Greenfields Development Company Pty Ltd, Greenfields Development Company No. 2 Pty Ltd, Leppington Pastoral Company Pty Ltd and Landcom, pursuant

to Section 93F of the Environmental Planning and Assessment Act 1979, dated 22 September 2011.

Contributions – The following monetary contribution must be indexed to the Consumer Price Index and paid prior to issue of the Construction Certificate:

- \$3,148 for Administration
- \$2,393,086 for Various
- \$83,775 for Off-site water cycle management
(\$2,480,009.00 total)

- (22) **Safer By Design** - The following safer-by-design features must be incorporated into the approved development:
- a) Store and Electrical Meter Rooms must have doors locked at all times and only accessible by authorised persons.
 - b) A closed circuit television system (CCTV) which complies with the Australian Standard - Closed Circuit Television System (CCIV) AS:4806:2006 must be implemented to receive, hold or process data for the identification of people involved in anti-social or criminal behaviour. This system should consist of surveillance cameras strategically located in and around the development to provide maximum surveillance coverage of the area, particularly in areas which are difficult to supervise including entry and exit points, car parking areas and stairwells.
 - c) Effective lighting must be installed in and around the car parking areas as well as the public / private areas.
 - d) Warning signs must be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime.
 - e) The main access to the residential car park should have restricted access with a security pass. The opening/closing mechanism should be protected from vandalism and tampering. All exit doors from the car park should have striker plates installed to minimise chance of tampering. Other than residents, only tenants of the associated Commercial Building shall be given a security pass to access this part of the car parking area. All security passes granted to commercial tenants shall be surrendered once future residential buildings are constructed on the site.
 - f) Entry into buildings shall use electronic access control equipment to enhance physical security. Intercom facilities should be incorporated into these entry/exit points at the front and back of the dwelling to enable residents to communicate and identify with people prior to admitting them to the premises.
- (23) **Graffiti Resistant Materials and Finishes** - Graffiti resistant materials and finishes must be used where possible.
- (24) **Pedestrian Access to Northern Temporary Off-Street Car Park** – Direct, step free, pedestrian access shall be provided from the two shared zones shown within the 'temporary off street parking' area to the pedestrian crossings shown in main street. Details showing compliance with this condition are to be clearly shown prior to the issue of a Construction Certificate.
- (25) **Outdoor dining** – No outdoor dining area for the 253m² restaurant tenancy is approved by this consent. Any outdoor dining will be subject to future applications.
- (26) **Pedestrian pathway** – A covered 3m wide unobstructed pedestrian pathway shall be maintained within the southern verge of the main street at all times in accordance with

the stamped approved plans. No outdoor dining areas shall be permitted which obstruct the covered 3m wide pedestrian zone / footpath.

The verge at the calmed street frontage shall be a minimum of 2.4m in accordance with the stamped approved plans and unobstructed by street furniture nor the approved outdoor dining areas.

- (27) **Maximum Height of Building for Concept Building Envelopes** – The approved concept building envelopes for 'Stage 2B' (future buildings 3 and 4) are limited in height to a maximum of 24m from ground level (existing). This concept approval is limited to the maximum footprint and maximum height of the future buildings. Subsequent Development Applications are required for all other aspects of the building designs.

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) **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 accredited certifier.
- (2) **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 accredited certifier 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.
- (3) **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 certifier with the Construction Certificate application.

A stormwater plan is to be submitted to the certifier 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 certifier.

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

- (4) **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 certifier with the Construction Certificate application.

- (5) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book'). Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.
- (6) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Council's Engineering Specifications and the adopted Town Centre Public Domain Manual (the adopted Town Centre Public Domain Manual shall prevail to the extent of any inconsistency). Details demonstrating compliance shall be provided to the certifier.

The detailed landscape must include:

- Exiting trees along Central Avenue should be noted as *Lophostemon confertus* (Brush Box).
- Soil depth on level 1 podium landscaped areas should be specified and plant material selected for suitability based on available soil volume.
- Streetlights shall be sufficiently distanced (outside of tree's canopy) from street tree planting. Street tree planting should not block light from streetlights.
- Detailed finishes and treatments for all works within the public domain shall be selected from the Oran Park Town Public Domain Manual (May 2011).

- (7) **Fibre-Ready Facilities/Telecommunications Infrastructure** – Documentary evidence must be provided to the certifier 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 certifier.

- (8) **Damages Bond** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.
Note. A fee is payable for the lodgement of the bond.
- (9) **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. Fees are payable for the lodgement and refund of the bond.
- (10) **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>
- 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 2.5%; 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 accredited certifier prior to issue of a Construction Certificate.

- (11) **Retaining Walls** – The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be designed and certified by a suitably qualified structural engineer;
 - b) retaining walls in cut shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - c) retaining walls in fill shall be constructed to ensure all associated drainage and backfill remain wholly within the subject property;
 - d) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries.
 - e) retaining walls shall not be erected within drainage easements; and
 - f) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (13) **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 the issue of a Construction Certificate.
- (14) **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 accredited certifier 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.
- (15) **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 accredited certifier and Council.
- (16) **Acoustic Treatment for Mechanical Plant and Equipment** - Air handling plant rooms, refrigeration units, and cooling towers will all require acoustic treatment/s consistent with "Section 6.3- Mechanical Plant and equipment" in the report "*Acoustic Assessment Stage 2 Oran Park, Prepared by Acoustic Logic, Dated 14 August 2018*".
- (17) **Mechanical Plant Selection and Control** - Mechanical plant selection for the development and its operation should not exceed the following noise criteria when measure at the future medium density residential site (located to the south) of the development:

- Day 58 dB(A) (LAeq, 15min)
- Evening 48 dB(A) (LAeq,15min)
- Night 43 dB(A) (LAeq,15min)

All plant must be suitably located on site and screened with suitable acoustic materials (where necessary) to meet the criteria. Selection of suitable mechanical plant must be undertaken with the involvement of a suitably qualified acoustic consultant.

- (18) **Carpark Design** - Carpark is to be designed in accordance with AS2890 – Off Street Carparking.
- (19) **Water Quality Measures** - All surface water from the car parks must be collected and directed to an on-site disposal system incorporating silt and oil arrestor. Details of water quality measures must be shown on the engineering plans.
- (20) **Drainage System** - Prior to the issuing of a Construction Certificate the Certifying Authority must ensure that the proposed drainage system has been designed in accordance with the requirements of AS3500 and Camden Council Engineering Specifications.
- (21) **Cleaning Facilities** - Facilities provided for the storage, maintenance and equipping of cleaning plant and equipment shall be provided with running water and a cleaners sink connected to sewer for disposal of cleaning waste liquids. Floors shall be sealed, graded and drained to a suitably sized floor waste / floor bucket trap.
- (22) **Use of supplementary retail storage areas** - The use of supplementary retail storage areas for food or food equipment storage and / or food handling is prohibited without prior Development Approval.
- (23) **Construction of retail storage facilities** - Supplementary retail storage facilities used in association with food premises shall be designed, constructed and fitted out in accordance with AS 4674-2004 Design Construction and fit-out of food premises.
- (24) **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.
- (25) **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 *EP&A 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.

- (26) **Design Verification** - A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in

Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction.

- (27) **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 principal certifier.

The construction management plan shall show staging plans or similar that show how car parking access and egress and pedestrian access is maintained. This must include maintenance of the existing pedestrian access or creation of an alternative direct pedestrian access from The Oran Park Library through Perich Park to the existing Oran Park Podium Shopping Centre and Oran Park Drive beyond.

- (28) **Hoarding Application** – If necessary, a hoarding application for the erection of a class A (fence type) or class B (overhead type) hoarding along any public 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 land, for the full duration of the proposed works, shall be obtained. 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.

- (21) **VPA** – Contributions – The following monetary contribution must be indexed to the Consumer Price Index and paid prior to issue of the Construction Certificate:
- \$3,148 for Administration
 - \$2,393,086 for Various
 - \$83,775 for Off-site water cycle management
- (\$2,480,009.00 total)

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 certifier.
- (2) **Notice of Principal Certifier** - 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 principal certifier, and of the person by whom the principal certifier was appointed;
 - e) if the principal certifier is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as principal certifier; and

- f) a telephone number on which the principal certifier 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 principal certifier (only where no principal certifier 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 requirements of the *EP&A Act 1979*, building 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 certifier has been appointed by the person having benefit of the development consent;
 - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier 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 principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier 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 principal certifier.
- The sign shall be maintained while the work is being carried out and 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 principal certifier.

- (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 principal certifier 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 principal certifier.
- (11) **Construction Waste Management Plan** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, 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.
- (12) **Environmental Management Plan** - An environmental management plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the principal certifier.

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

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

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

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

- (14) **Construction Noise Management Plan** – A construction noise management plan shall be provided to the principal certifier and include the following:
- a) noise mitigation measures;
 - b) noise and/or vibration monitoring;
 - c) use of respite periods;
 - d) complaints handling; and
 - e) community liaison and consultation.

4.0 - During Works

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

- (1) **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.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **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 storage area 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*.
- (4) **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 principal certifier prior to the development proceeding beyond frame stage.

- (5) **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 principal certifier prior to the pouring of concrete.
- (6) **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.
- (7) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until the development has been completed. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

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

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

- (8) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - the wheels of vehicles leaving the site:
 - do not track soil and other waste material onto any public road adjoining the site; and
 - fully traverse the site’s stabilised access point.
- (9) **Fill Compaction** - All fill must be compacted in accordance with Camden Council’s current Engineering Design Specifications.
- (10) **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.
- (11) **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.
- (12) **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.
- (13) **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.

- (14) **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.
- (15) **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.
- (16) **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 principal certifier.

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)
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Virgin Excavated Natural Material	1 (see Note)	1000 or part thereof
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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.

- (17) **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.
- (18) **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).

- (19) **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.

- (20) **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: proposed Residential and Commercial Subdivision Tranche 20 and Tranche 29 Oran Park*', Prepared by Douglas Partners, Project 34272.91, Dated March 2014.
- (21) **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.

- (22) **Air Quality** - Vehicles and equipment used on site must be maintained in good working order and be switched off when not operating. The burning of any waste material is prohibited.
- (23) **Construction Waste Management Plan/s** – The approved waste management plans must be followed to manage all waste generated from all construction activities. Recycling of waste material where appropriate must be incorporated into the plan.
- (24) **'Bar Restaurant' roof** - The 'bar restaurant' on the north-east corner of the development site will require an acoustic ceiling to be installed that comprises of two layers of plasterboard and 100mm thick glasswool insulation to the ceiling cavity.
- (25) **'Bar Restaurant' Awning Over External Dining** - An awning will be required to be constructed on the north-eastern facade outside of the 'bar restaurant' and extend to cover the approved external dining area.
- (26) **Residential Building Facade Treatments** - For residential building 1, the external facade must incorporate a minimum glazing thickness of 6mm glass or higher for living rooms and, 6.38mm glass for bedrooms.
- (27) **Acoustic Fence for Loading Dock** - A 1.8m high solid fence is required to be constructed along the full length of the southern boundary edge of the loading dock. The fence should be screened by landscaping and may be offset from the boundary to facilitate landscaping.
- (28) **Buffers for Loading Docks** - Neoprene rubber buffers must be installed on the vertical face of all loading docks where vehicles park.
- (29) **Carpark Finishes** - The surface of the basement carpark and access ramps are to be coved finished (or similar finish) to prevent tyre squeal.
- (30) **Pedestrian and Vehicular Access** – As outlined the required Construction Management Plan, existing access and egress is not be obstructed at any time. If any temporary obstruction of access and egress is required during construction, details of the obstruction including, length of time and justification is to be provided to and approved by Council prior to the obstruction occurring.

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) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the principal certifier in accordance with the requirements of the EP&A Regulation 2000.
- (3) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the principal certifier.
- (4) **Building Height** - A registered surveyor shall certify that the maximum height of the building is consistent with the height in the approved plans and this consent. The certification/verification shall be provided to the satisfaction of the principal certifier.
- (5) **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.
- (6) **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 a final 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, pipelines, 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 principal certifier prior to the issue of a final Occupation Certificate.

- (7) **Stormwater – Plan of Management (POM)** - The registered proprietor of the land shall prepare a Plan of Management (POM) for the on-site detention facilities. The POM shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements, and time intervals for such inspection and maintenance. The POM shall be provided to the principal certifier for approval.

- (8) **Waste Management Plan** - The principal certifier shall ensure that all works have been completed in accordance with the approved waste management plans referred to in this development consent.
- (9) **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.
- (10) **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.
- (11) **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.
- (12) **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.
- (13) **Indemnity Agreement** – The strata body corporate or community association must have an indemnity agreement in place with Council before occupation and before waste collection will occur from private roads where waste is to be collected by Council.
- (14) **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 principal certifier. 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.
- (15) **Food Premises** - Council shall be notified that the premises is being used for the preparation, manufacture or storage of food for sale and an inspection of the completed fit out is to be conducted. A 'Food Business Notification' form can be found on Council's website.
- (16) **Regulated System** - Evidence of commissioning of the regulated system is to be provided by a suitably qualified person in accordance with the *Public Health Act 2010* and the Public Health Regulation 2012 and AS/NZS 3666. A detailed report from the person who commissioned the regulated system is to be provided to the principal certifier.

The owner or occupier of the premises shall apply to Council to notify the regulated system. Council is to conduct an inspection of the completed fit out.

- (17) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the principal certifier:
 - a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
 - b) 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 or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (18) **Rainwater Harvesting and Tanks** – For the purpose of harvesting rainwater for reuse on site, only rainwater captured from the roof catchment is allowed to be reused to flush toilets / urinals, supply cooling towers, and water gardens (if non-potable water is preferred).

The proposed use of rainwater must comply fully with “*Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) Stormwater Harvesting and Re-use, July 2009*”, and in particular with “Section 2 – Roofwater Reuse”.

Prior to the issue of an Occupation Certificate, a detailed operation and procedure manual shall be developed and submitted to the principle certifying authority detailing the rainwater harvesting system and identifying specific risk areas and treatments. It is mandatory to address the requirements of “Table 2.1 – Inspection and Maintenance of Roofwater Reuse Systems” of “Section 2 – Application of standard approach” within the “*Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) Stormwater Harvesting and Re-use, July 2009*” that includes identification of who shall carry out inspections and when, details of emergency shutdown procedures, and the conducting of periodic testing to ensure water quality.

- (19) **Acoustic Compliance Report** - An acoustic assessment report based on noise monitoring of the operation of all mechanical plant on the site must be submitted to Camden Council prior to the issue of an occupation certificate for the building. The monitoring shall be undertaken by a qualified acoustic consultant to demonstrate compliance with the following:

- (a) Mechanical plant noise complies with:
- Day 58 dB(A) (LAeq, 15min)
 - Evening 48 dB(A) (LAeq, 15min)
 - Night 43 dB(A) (LAeq, 15min)

when measured at the future medium density residential site (located to the south) of the development:

- (b) Materials and Mitigation Controls
That all noise attenuation materials and structures used for the mitigation / control of noise is constructed and compliant with the conditions of the consent.

For any non-compliance, the acoustic compliance report must include recommendations for compliance and these recommendations will be enforced by Council at the cost of the owner / occupier. An application pursuant to Section 4.55 ‘Modification’ of the EP&A Act for the modification of the development consent must be submitted to the consent authority (Camden Council) for determination, with the recommended amendments to be implemented following Council Consent.

- (20) **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. Fees are payable for the lodgement and refund of the bond.
- (21) **Surveyor's Report** - Prior to the issue of the Occupation Certificate a certificate from a registered surveyor must be provided to the principal certifier, 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.
- (22) **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.
- (23) **Soil Classification** - A soil classification report prepared by a suitably qualified person in accordance with AS 2870 'Residential Slabs and Footings', detailing the general classification of soil type generally found within the subdivision, shall be provided to the principal certifier. A classification shall be provided for each lot within the subdivision. The soil classification report shall also be provided to Council.
- (24) **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).
- (25) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the principal certifier which incorporates the following easements, positive covenants and restrictions to user where necessary:
1. easement for services;
 2. easement to drain water and drainage easement/s over overland flow paths;
 3. easement for on-site-detention;
 4. positive covenant over the on-site detention / water quality facility for the maintenance, repair and insurance of such a facility;
 5. restriction as to user over lots which stipulates that footings shall be designed by a suitably qualified civil and/or structural engineer;
 6. covenant entitling Council, it's servants, agents and persons authorised by it to enter the site and operate vehicles for the purposes of waste collection.
- (26) **Water Quality Facility** - A water quality facility must be constructed for the site in accordance with the approved plans and Council's Engineering Specifications.
- (27) **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. Fees are payable for the lodgement and refund of the bond.
- (28) **Dead End Road** – Prior to the issue of an Occupation Certificate, the extension of Podium Way / Main Street as approved by DA/2019/497/1 shall be completed.

Alternatively, a turning facility shall be provided at the end of the dead end road. All turning and manoeuvring facilities, including turning heads, cul-de-sac, etc, shall be designed in accordance with Council's Engineering Specifications.

- (29) **Environmental Management and Performance of Centre** - Prior to the issue of an occupation certificate the proponent shall prepare an operational management plan demonstrating how the overall sustainability performance of the centre will be monitored. The plan shall also outline how centre management propose to engage tenants, staff, customers and the community on the features and sustainable performance of the centre.

A report shall be submitted to Council within one year of the Occupation Certificate demonstrating how the development complies with the mandatory controls as set out in Attachment B, Oran Park Sustainability Development Controls of the Oran Park Development Control Plan 2007.

6.0 - Ongoing Use

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

- (1) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (2) **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.
- (3) **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	7am to 12.00midnight
Tuesday	7am to 12.00midnight
Wednesday	7am to 12.00midnight
Thursday	7am to 12.00midnight
Friday	7am to 12.00midnight
Saturday	7am to 12.00midnight
Sunday and Public Holidays	7am to 12.00midnight

- (4) **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.

- (5) **Parking Areas to be Kept Clear** - At all times, the loading docks, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (6) **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).
- (7) **No Waste to Be Stored Outside of the Site** – No waste is to be placed on any public land (e.g. footpaths, roadways, plazas, reserves, etc.) or any other properties at any time.

- (8) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (9) **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.
- (10) **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) the repair, servicing and maintenance of all vehicles shall take place in a bunded work bay drained holding tank or like device so that any liquid wastes produced from such repair, servicing and maintenance can either be:
 - i) retained for recycling; or
 - ii) disposed of in accordance with the requirements of Sydney Water.
 - d) all paints chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area;
 - e) appropriate equipment and absorbent material shall be provided and maintained in a prominent position in order to combat any spill; and
 - f) 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.
- (11) **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.
- (12) **Regulated System** - The regulated system shall be operated and maintained in accordance with the *Public Health Act 2010* and the Public Health Regulation 2012.
- (13) **Commercial Premises Waste Contract** - The building centre management shall enter into a commercial contract for the collection of waste and recycling materials. A copy of any agreement is to be held by centre management and relevant specialised businesses operating within the building.
- (14) **Delivery / Collection Vehicle Noise Control** - All delivery or collection vehicles must switch engines off when vehicles are docked for loading or unloading.
- (15) **Noise from licenced premises** - Noise emissions from the licensed premises shall comply with the following:-

- The LA10,15min* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and 12:00 midnight at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
- The LA10,15min* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
- The LA10,15min* noise level emitted from the licensed premises when measured inside a habitable room of a residential premises between 12pm and 7am should not give rise to a measurable increase above the ambient level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) in the absence of noise emitted from the licensed premises.

* For the purposes of this condition, LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.

- (16) **Restricted Vehicle Delivery** - During night-time deliveries (between 10pm and 7am) only 1 articulated truck and 1 rigid truck is permitted to use the loading dock in any 15 minute period.
- (17) **Delivery Vehicle reversing beacons** - During night-time deliveries (10pm and 7am) reversing beacons are to be turned off and reversing cameras used to manoeuvre vehicles.
- (18) **Use of Garbage Compactors** - Garbage compactors are not permitted to be operated between 10pm and 7am.
- (19) **Communal Open Space** - Noise levels when measured within the communal open space area must comply with the following:
- Day (7am to 6pm): 58 dB(A) LAeq15min
 - Evening (6pm to 10pm): 48 dB(A) LAeq 15min
 - Night (10pm to 7am): 43 dB(A) LAeq 15min)
- (20) **Building Internal Noise Levels** - For building internal commercial spaces, the internal noise levels are to be compliant with the “satisfactory design sound level” as listed in ‘AS/NZS2107:2000 – Acoustics – Recommended design Sound Levels and Reverberation Times For Building Interiors’.
- (21) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
- a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute.

- (22) **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.

- (23) **Waste Management Plan** – The *“Oran Park Podium Stage 2 Operational Waste Management Plan Waste Management Plan, Prepared by Waste Audit Consultancy, Dated August 2018,”* must be adhered to at all times.