

## **RECOMMENDED CONDITIONS**

### **1.0 - General Conditions of Consent**

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

- (1) **Requirements of State Authorities** – The requirements from state authorities shall be complied with prior to, during, and at the completion of the development. Where these requirements conflict with the stamped approved plans, the stamped approved plans shall take precedence.

The requirements are:

1. Transport for NSW Response Letter dated 25/6/2019 (CD19/03207). The conditions referenced in this letter and the relevant recommendations for works in the 'Development Near Rail Corridors and Busy Roads – Interim Guideline' are to be complied with unless otherwise agreed to in writing by Transport for NSW.
2. Camden Local Area Command Letter dated 24/5/2019 (D/2019/452161)

- (2) **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:

<b>Plan Reference/ Drawing No.</b>	<b>Name of Plan</b>	<b>Prepared by</b>	<b>Date</b>
Project No. 18032, DA0000, Revision 5	Cover Sheet	Allen Jack and Cottier	6/03/2020
Project No. 18032, DA1001, Revision 6	Site Plan	Allen Jack and Cottier	4/03/2019
Project No. 18032, DA2001, Revision 8	Basement 1 Plan	Allen Jack and Cottier	22/11/2019
Project No. 18032, DA2002, Revision 8	Basement 2 and 3 Plan	Allen Jack and Cottier	22/11/2019
Project No. 18032, DA2101, Revision 7	Ground Level and Level 1 Plans	Allen Jack and Cottier	6/03/2020
Project No. 18032, DA2102, Revision 5	Level 2 and Level 3 Plans	Allen Jack and Cottier	4/03/2019
Project No. 18032, DA2103, Revision 5	Level 4 and Level 5 Plans	Allen Jack and Cottier	4/03/2019
Project No. 18032, DA2104, Revision 5	Level 6 and Roof Plan	Allen Jack and Cottier	4/03/2019
Project No. 18032, DA2801,	Area Calculations – GFA	Allen Jack and Cottier	4/03/2019

Revision 3			
Project No. 18032, DA3101, Revision 6	Elevations – Sheet 1	Allen Jack and Cottier	6/03/2020
Project No. 18032, DA3102, Revision 6	Elevations – Sheet 2	Allen Jack and Cottier	6/03/2020
Project No. 18032, DA3201, Revision 5	Sections	Allen Jack and Cottier	6/03/2020
18B14_DA_C000, Revision 4	Cover Sheet, Drawing Schedule, Notes and Locality Sketch	Henry and Hymas	24/06/2019
18B14_DA_C100, Revision 5	General Arrangements Plan	Henry and Hymas	16/03/2020
18B14_DA_C101, Revision 7	Detail Site Plan	Henry and Hymas	16/03/2020
18B14_DA_C200, Revision 3	Stormwater Miscellaneous Details and Pit Lid Schedule	Henry and Hymas	16/03/2020
18B14_DA_C201, Revision 5	OSD and Rainwater Tank Plan, Sections and Details	Henry and Hymas	16/03/2020
18B14_DA_C202, Revision 4	OSD and Rainwater Tank Sections	Henry and Hymas	16/03/2020
18B14_DA_C250, Revision 6	Stormwater Catchment Plan	Henry and Hymas	16/03/2020
18B14_DA_SE01, Revision 3	Sediment and Erosion Control Plan	Henry and Hymas	16/03/2020
18B14_DA_SE02, Revision 3	Sediment and Erosion Control Plan Typical Sections and Details	Henry and Hymas	17/07/2019
LD-DA000, Revision 2	Cover Sheet	Scott Carver	19/06/2019
LD-DA100, Revision 2	Site Plan	Scott Carver	19/06/2019
LD-DA101, Revision 2	Ground Floor Detail Plan 1	Scott Carver	19/06/2019
LD-DA102, Revision 2	Ground Floor Detail Plan 2	Scott Carver	19/06/2019
LD-DA110, Revision 1	Level 6 Rooftop Plan	Scott Carver	12/03/2019

Document Title	Prepared by	Date
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Transport for NSW Response Letter	Transport for NSW	25/6/2019
Camden Local Area Command Letter	Camden Local Area Command	24/5/2019
Waste Management Plan – Construction	Richard Crookes Construction	29/3/2019
Waste Management Plan – Ongoing, Issue 3	Richard Crookes Construction	25/1/2019
Water Management Report	InSync Services	18/12/2018
Salinity Assessment Review	Douglas Partners	26/10/2017
Contamination Assessment Review	Douglas Partners	26/10/2017
Crime Risk/ CPTED Review	Urban Co	April 2019
Engineering Report	Henry and Hyams	March 2020
BCA Compliance Report	Vic Lilli	3/4/2019
Acoustic Report	Acoustic Logic	26/6/2020
Traffic and Parking Assessment	Positive Traffic	March 2019
Amended Traffic Report Response Letter PT19020	Positive Traffic	23/6/2019
Sustainability Initiatives and Strategy Report	Thermal Environmental	3/4/2019

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

- a) This consent does not grant approval for the 'Commercial 2' signage lettering shown on the south elevation. Separate approval for any signs is required as per Condition No.5 below.
- b) Loading Dock Plan of Management – A Loading Dock Plan of Management must be prepared. The Plan of Management shall design and implement appropriate traffic controls to ensure pedestrian access to the loading dock and associated manoeuvring areas is avoided during waste collection times. The Plan of Management should also limit the use of the loading dock to outside of busy pedestrian hours (i.e. commencement of business hours, lunch and close of business).

(3) **Approved Use** – This development consent approves the use of the approved building as an office premises.

No retail uses are approved as part of this determination. A separate development application is required for any proposed retail uses (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 Fit-Out** – A separate development application for the fit out, or for a use other than the approved use, of the building/each tenancy must be submitted to, and approved by, the Consent Authority prior to the use commencing (unless the use is exempt of complying development pursuant to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008).

- (5) **Separate Approval for Signs** - A separate development application for any proposed signs must be submitted 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 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) **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.

- (15) **Voluntary Planning Agreement** - The development shall 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 and Landcom, pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, dated 22 September 2011.

- (16) **Australian Standards** - All car parking components shall be designed to comply with the relevant Australian Standards (i.e. AS2890.1-2004, AS2890.2-2002 and AS2890.6-2009).

- (17) **Public Domain Manual** – Detailed finished and treatments for all works within the public domain shall be selected from the Oran Park Town Centre Public Domain Manual (May 2011) and detailed in the plans and documents accompanying the Construction Certificate Plans and Documents.

- (18) **Cooling Tower Mechanical Plant Selection and Attenuation** – The sound power level of any selected mechanical plant relevant to cooling towers is to be attenuated to not exceed the following criteria when measure at the future high density residential building planned to be located immediately west of the commercial building:

- Day 50 dB(A) (LAeq, 15min)
- Evening 45 dB(A) (LAeq, 15min)
- Night 40 dB(A) (LAeq, 15min)

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

- (19) **Mechanical Plant Selection and Attenuation** – Mechanical plant selection for the building (other than plant for cooling towers) and its operation should not exceed the

following noise levels when measure at the future high density residential building site planned to be located immediately west of the commercial building:

- Day 50 dB(A) (LAeq, 15min)
- Evening 45 dB(A) (LAeq, 15min)
- Night 40 dB(A) (LAeq, 15min)

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

- (20) **Rooftop Perimeter Balustrade** – A solid perimeter acoustic balustrade at least 1.25 metres in height is to be constructed around the entire perimeter of the rooftop terrace. The balustrade is to have no gaps between panels or gaps at the bottom.
- (21) **Loading Dock and Outdoor Hardstand Areas** – The floor of the loading dock and outdoor hardstand areas must have a broom finish (or similar) applied to the concrete.

## 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.

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.

- (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. Details demonstrating compliance shall be provided to the Certifying Authority.
- (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) **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.
- (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) **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.
- (10) **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.
- (11) **Regulated System** - The regulated cooling tower system shall be designed and installed in accordance with the relevant provisions of:
- a) *Public Health Act 2010*;
  - b) the Public Health Regulation 2012;
  - c) AS/NZS 3666 Air-handling and water systems of buildings - Microbial Control;
  - d) AS 1470 and AS 1657;
  - e) AS/NZS 1892.1 and 2865; and
  - f) relevant provisions for safe access in accordance with Safe Work NSW– Code of Practice for Safe Work on Roofs Part 1: Commercial and Industrial Buildings.

Plans and Specifications for the design, installation, operation and maintenance of the regulated system(s), including details on the locations of all plant and equipment, shall be provided to the accredited certifier with the Construction Certificate application.

- (12) **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 accredited certifier.
- (13) **Mechanical Ventilation** - Any room or area not provided with natural ventilation in accordance with the relevant requirements of the Building Code of Australia must be provided with a system of mechanical ventilation that complies with the requirements of Australian Standard 1668, Parts 1 & 2. Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.
- (14) **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.

- (15) **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 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 accredited certifier prior to issue of a Construction Certificate.

(16) **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.

(17) **Special Infrastructure Contribution** – The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the *EP&A Act 1979* under Section 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, Industry and Environment (DPIE).

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

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

(18) **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.

- (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) **Integration of Finished Levels** – The ground floor building levels and footpath levels are to be consistent with and appropriately integrate with the as built adjacent Commercial 1 Building approved under DA/2017/1526/1. Details (including works as executed plans) are to be provided to the satisfaction of the Principle Certifying Authority.

### 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](http://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 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.
- (15) **Construction Noise Management Plan** – A construction noise management plan shall be provided to the principle 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:
- 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.
- (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](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.
- (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 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.

- (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 *“Report on Salinity Investigation and Management Plan: Tranche 7 Tranche 8 and Anthony Reserve Oran Park, Prepared by Douglas Partners, Project 40740.98, Dated June 2011.”*
- (21) **Construction Noise Management Plan** – All operations must be carried out in accordance with the recommendations contained in the Construction Noise Management Plan, including:

- a) noise mitigation measures;



- b) noise and/or vibration monitoring;
- c) use of respite periods;
- d) complaints handling; and
- e) community liaison and consultation

- (22) **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.

- (23) **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.

## 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 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 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 plan 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) **Indemnity Agreement** – If Council is collecting waste from the proposed development then there must be an indemnity agreement in place with Council before occupation and before waste collection will occur from private property or private roads.

Note: An indemnity agreement is not required if a private waste contractor is used.

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

- (14) **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.
- (15) **Section 88b Instrument** – The applicant shall prepare a Section 88B instrument for approval by the PCA which incorporates the following easements, positive covenants and restrictions to user where necessary:
- a) easement to drain water and drainage easements over overland flow paths;
  - b) easement for on-site detention;
  - c) positive covenant over the on-site detention / water quality facility for the maintenance, repair and insurance of such a facility;
  - d) retaining wall, positive covenant, and restriction to user;
- (16) **Geotechnical Compliance Certificate** - A Certificate of Compliance prepared by a suitably qualified and experienced Geotechnical Engineer shall be provided to the principal certifier 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.
- (17) **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.

- (18) **Rainwater Harvesting and Tanks** – For the purpose of harvesting rainwater for reuse on site, only rain water 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 (Consent Authority) prior to the issue of an occupation certificate for the building. The monitoring shall be undertaken by a qualified acoustic consultant to demonstrating compliance with the following:

(a) Mechanical plant noise complies with:

- LAeq,15min, 50 dB(A) Day period 7.00am – 6.00pm
- LAeq,15min, 45 dB(A) Evening period 6.00pm to 10.00pm
- LAeq,15 min, 40 dB(A) Night period 10.00pm to 7.00am

when measured at the future high-density residential building site planned to be located immediately west of the commercial building:

(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) **Completion of Road Construction** – The construction of Fordham Way from Podium Way to Oran Park Drive must be completed to the satisfaction of Council prior to issue of an Occupation Certificate for the subject Commercial development. Fordham Way must be dedicated as Public Road prior to the issuing of the Final Occupation Certificate for the subject Commercial tower development.”

- (21) **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](http://www.sydneywater.com.au/section73) or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (22) **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 building will be monitored. The plan shall also outline how building management proposes to engage tenants, staff, customers, and the community on the features and sustainable performance of the building.

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 10pm
Tuesday	7am to 10pm
Wednesday	7am to 10pm
Thursday	7am to 10pm
Friday	7am to 10pm
Saturday	7am to 10pm
Sunday and Public Holidays	7am to 10pm

- (4) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site.
- The loading dock 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 (eg. 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) **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*.
- (10) **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.
- (11) **Regulated System** - The regulated system shall be operated and maintained in accordance with the *Public Health Act 2010* and the Public Health Regulation 2012.
- (12) **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.
- (13) **Restricted Use of Roof Top Terrace** – The roof top terrace is restricted from being used or occupied between the hours of 10.00 pm and 7.00 am on any night / morning. The use of amplified music on the roof top terrace is prohibited at any time.
- (14) **Operation of Loading Dock** – The loading dock is permitted to only operate between the hours of 7.00am and 10.00pm.
- (15) **Delivery / Collection Vehicle Noise Control** - All delivery or collection vehicles must switch engines off when vehicles are docked for loading or unloading
- (16) **Bailers / Garbage Compactor Restrictions** – Bailers and/or garbage compactors are only to be used in the loading dock area between 7.00 am and 10.00 pm

- (17) **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.’
- (18) **Small Scale Retail Premises Only** – Any retail tenancies are limited to a maximum GLAR of 1500m<sup>2</sup>
- (19) **Active Street Frontages** – The ground floor tenancies shall be limited to uses which result in an active street frontage. An active street frontage is defined as one or a combination of the following at street level:
- Glazing to tenancies at street level shall have a maximum of 50% non-transparent glazing or signage.
  - Active office uses, such as reception, if visible from the street.
  - Public building if accompanied by an entry.
- (20) **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.
- (21) **Loading Dock Plan of Management** – The Loading Dock Plan of Management required by Condition 1.0 (3)(b) is to be fully implemented at all times.