**Recommended Conditions**

**1.0 - General Conditions of Consent**

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

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

The general terms of approval/requirements are:

1. Transport for NSW letter dated 2 November 2021

(2) **Approved Plans and Documents** – The development must 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-DA1010 Revision B | Site Plan | Scott Carver | 25 May 2021 |
| AD-DA1120 Revision J | Basement Plan | Scott Carver | 27 October 2021 |
| AD-DA1121 Revision K | Ground Floor Plan | Scott Carver | 27 October 2021 |
| AD-DA1122 Revision C | Level 1 Podium Plan | Scott Carver | 28 May 2021 |
| AD-DA1123 Revision C | Roof Plan | Scott Carver | 28 May 2021 |
| AD-DA1200 Revision D | Overall Elevations - North & South | Scott Carver | 28 May 2021 |
| AD-DA1201 Revision D | Overall Elevations – East & West | Scott Carver | 28 May 2021 |
| AD-DA1210 Revision C | North & South Elevation Odium Way | Scott Carver | 28 May 2021 |
| AD-DA1211 Revision C | West Elevation Oran Park Drive Plan | Scott Carver | 28 May 2021 |
| AD-DA1212 Revision C | South Elevation Dick Johnson Drive Plan | Scott Carver | 28 May 2021 |
| AD-DA1213 Revision B | East Elevation Podium Way Plan | Scott Carver | 28 May 2021 |
| AD-DA1220 Revision C | Section Plan 1 | Scott Carver | 28 May 2021 |
| AD-DA1221 Revision C | Section Plan 2 | Scott Carver | 28 May 2021 |
| AD-DA1222 Revision C | Section Plan 3 | Scott Carver | 28 May 2021 |
| AD-SK250 Revision A | Section – Oran Park Drive | Scott Carver | 13 August 2021 |
| SW-001 Issue B | Hydraulic Site Plan | Intrax Projects | 28 May 2021 |
| SW-100 Issue C | Basement Inground Stormwater Services Plan North | Intrax Projects | 5 August 2021 |
| SW-101 Issue C | Basement Inground Stormwater Services Plan South | Intrax Projects | 5 August 2021 |
| SW-102 Issue B | Basement Stormwater Services Plan North | Intrax Projects | 28 May 2021 |
| SW-103 Issue B | Basement Stormwater Services Plan South | Intrax Projects | 28 May 2021 |
| SW-104 Issue B | Ground Floor Stormwater Services Plan North | Intrax Projects | 28 May 2021 |
| SW-105 Issue B | Ground Floor Stormwater Services Plan South | Intrax Projects | 28 May 2021 |
| 21-000119 C0.01 Revision A | Site Key Plan | Calibre Group | 28 May 2021 |
| 21-000119 C0.02 Revision A | General Notes and Legend | Calibre Group | 28 May 2021 |
| 21-000119 C1-10 Revision A | Erosion & Sediment Control Plan | Calibre Group | 28 May 2021 |
| 21-000119 C1-15 Revision A | Erosion & Sediment Control Notes & Details | Calibre Group | 28 May 2021 |
| 21-000119 C2-01 Revision C | General Arrangement Plan 1 of 6 | Calibre Group | 20 August 2021 |
| 21-000119 C2-02 Revision B | General Arrangement Plan 2 of 6 | Calibre Group | 20 August 2021 |
| 21-000119 C2-03 Revision B | General Arrangement Plan 3 of 6 | Calibre Group | 20 August 2021 |
| 21-000119 C2-04 Revision B | General Arrangement Plan 4 of 6 | Calibre Group | 20 August 2021 |
| 21-000119 C2-05 Revision C | General Arrangement Plan 5 of 6 | Calibre Group | 20 August 2021 |
| 21-000119 C2-06 Revision C | General Arrangement Plan 6 of 6 | Calibre Group | 20 August 2021 |
| 21-000119 C2-07 Revision E | General Arrangement Plan Basement 1 of 2 | Calibre Group | 26 November 2021 |
| 21-000119 C2-08 Revision B | General Arrangement Plan Basement 2 of 2 | Calibre Group | 20 August 2021 |
| 21-000119 C3-20 Revision A | Road Long Sections | Calibre Group | 28 May 2021 |
| 21-000119 C3-80 Revision A | Civil Works Details Sheet 1 of 2 | Calibre Group | 28 May 2021 |
| 21-000119 C3-81 Revision A | Civil Works Details Sheet 2 of 2 | Calibre Group | 28 May 2021 |
| 21-000119 C4-30 Revision E | On Site Detention Tank Sheet 1 of 2 | Calibre Group | 26 November 2021 |
| 21-000119 C4-32 Revision D | On Site Detention Tank Sheet 2 of 2 | Calibre Group | 1 November 2021 |
| 21-000119 C4-40 Revision A | Stormwater Drainage Pit Details Sheet 1 of 2 | Calibre Group | 28 May 2021 |
| 21-000119 C4-41 Revision A | Stormwater Drainage Pit Details Sheet 2 of 2 | Calibre Group | 28 May 2021 |
| 21-000119 C4-60 Revision C | Stormwater Drainage Catchment Plan | Calibre Group | 20 August 2021 |
| 21-000119 C7-10 Revision A | Retaining Walls Details | Calibre Group | 28 May 2021 |
| LD-DA1120 Revision C | Stage 3A General Arrangement Plan | Scott Carver | 31 May 2021 |
| LD-DA1121 Revision D | Dick Johnson Drive Detail Plan | Scott Carver | 31 May 2021 |
| LD-DA1122 Revision C | Oran Park Drive Detail Plan | Scott Carver | 31 May 2021 |
| LD-DA1123 Revision 3 | Podium Way Detail Plan 1 | Scott Carver | 31 May 2021 |
| LD-DA1124 Revision C | Podium Way Detail Plan 1 | Scott Carver | 31 May 2021 |
| LD-DA1130 Revision C | Child Care Detail Plan | Scott Carver | 31 May 2021 |
| LD-DA1200 Revision C | Sections Dick Johnson Drive | Scott Carver | 31 May 2021 |
| LD-DA1201 Revision C | Sections Oran Park Drive | Scott Carver | 31 May 2021 |
| LD-DA1203 Revision C | Sections Podium Way | Scott Carver | 31 May 2021 |
| LD-DA1204 Revision B | Sections Child Care | Scott Carver | 31 May 2021 |

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| **Document Title** | **Prepared by** | **Date** |
| Oran Park Town Centre – Podium 3A  Acoustic Assessment | Acoustic Logic Ref 20210547.2/2105B/R1/TH | 21/05/2021 |
| Salinity Management Plan | Douglas Partners Ref 34272.91 | March 2014 |
| Oran Park Podium Stage 3A  Operational Waste Management Plan | Waste Audit | May 2021 |
| Demolition & Construction Waste Management Plan | Waste Audit | May 2021 |
| ESD DA Report | ADP Consulting Engineering | 17/05/2021 |
| Oran Park town centre, stage 3A – Preliminary fire safety engineering review | Warrington Fire | 28/05/2021 |
| BCA Assessment Report | Steve Watson and Partners | 28/05/2021 |

(3) **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.

(4) **Separate Approval for Use** - A separate development application for the fit out and use of the building/each tenancy including all food and beverage premises, premises providing skin penetration services, beauty premises and childcare facilities 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).

(5) **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.

(6) **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.

(7) **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:

1. protect and support the adjoining building, structure or work from possible damage from the excavation; and
2. 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.

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

(9) **Prohibition of Burning** - The open burning of waste and other refuse is prohibited throughout the Camden LGA.

(10) **Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.

(11) **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.

(12) **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*.

(13) **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.

(14) **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.

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

1. in accordance with the approved plans; and
2. to Council’s standards.

(16) **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.

(17) **VPA**– The proposed development shall be carried out in accordance with the Oran Park Urban Release Planning Agreement – 3rd Deed of Variation, pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, dated 22 September 2011.

(18) **Safer By Design -** The following safer-by-design features must be incorporated into the approved development:

1. Store and Electrical Meter Rooms must have doors locked at all times and only accessible by authorised persons.
2. 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.
3. Effective lighting must be installed in and around the car parking areas as well as the public *I* private areas.

(19) **Graffiti Resistant Materials and Finishes -** Graffiti resistant materials and finishes must be used where possible.

(20) **Outdoor dining** – No outdoor dining is approved by this consent. Any outdoor dining will be subject to future applications.

**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:

1. 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
2. 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.

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

1. 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
2. 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:

1. 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>
2. the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
3. the level for the driveway across the footpath area shall achieve a gradient of 2.5%; and
4. a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

Details demonstrating compliance shall be provided to the certifier’s satisfaction prior to issue of a Construction Certificate.

(11) **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.

(12) **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.

(13) **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.

(14) **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 5.3- Mechanical Plant and equipment” in the report “DA Acoustic Assessment Oran Park Town Centre Podium 3A*,prepared by *Acoustic Logic, Dated* 21 May 2021*”.*

(15) **Carpark Design** -Carpark is to be designed in accordance with AS2890 – Off Street Carparking.

(16) **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.

(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 *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.

(18) **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.

(19) **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.

(20) **On Site Detention** - The minimum On Site Detention tank size as per the provided Stormwater Management report is to be no less than 532m3 in line with the Adopted Water Cycle Management Plan.

(21) **Carpark Design Compliance** - The carpark is to be designed in accordance with AS2890.1 – Off street parking. The following specific items will need to be reviewed and compliance with AS 2890 is to be demonstrated to the Certifier prior to issuing the Construction Certificate;

1. The radius for the bends on the ramps to enter/ exit the carpark
2. The width of the access ramps particularly around the bends
3. The transitions on the ramps are to comply for the change in grades.

(22) **Drainage Design** - All stormwater is to be designed in line with AS 3500.

(23) **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

(24) **Mechanical Plant Selection and Control -** Mechanical plant selection for the development and its operation should not exceed the following noise criteria:

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

when measured outside of the closest residential receiver on the opposite side of Dick Johnson Drive and the nearest future residential towers (Stage 2 of Podium) and:

* Day 63 dB(A) (LAeq, 15min)
* Evening 53 dB(A) (LAeq,15min)
* Night 48 dB(A) (LAeq,15min)

when measured outside of the Hotel (Stage 3B) and:

* Day 55 dB(A) (LAeq, when in use)

When measured within the external play area of the childcare centre located on site.

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.

Front of House Waste Storage Area – the doorway shall be a minimum width of 1.8m in accordance with Council’s waste management guideline.

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

1. the *Food Act 2003;*
2. the Food Regulation 2015;
3. Food Standards Australia and New Zealand – Food Standards Code 2003;
4. AS 1668.1-2015 and 1668.2-2012;
5. the BCA; and.
6. AS 4674-2004. Design, construction and fitout of food premises

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

(26) **Construction of food and beverage Kiosks -** Particular attention must be paid to the following:

i. Construction of roof and ceilings above food kiosks. Ceilings above food kiosks must comply with Section 3.2 of AS4674-2004 Design construction and fit-out of food premises

ii. Facilities for the cleaning of food kiosk premises must be contained within each food kiosk tenancy and comply with Section 4.1.8 of AS4674-2004 Design construction and fit-out of food premises

Details demonstrating compliance shall be provided to the certifier’s satisfaction prior to issue of a Construction Certificate.

(27) **Ancillary and remote storage areas for food and drink premises -** The construction of ancillary and/or remote facilities used for the storage of food and drink product or food and drink equipment must comply with requirements of Section 3 of AS4674-2004 Design construction and fit-out of food premises.

(28) **Skin Penetration Premises -** The design, construction, fit-out, use of the skin penetration premises shall comply with all applicable Acts, Regulations, codes and standards including:

1. the *Public Health Act 2010*;
2. the Public Health Regulation 2012;
3. the Local Government (General) Regulation 2005; and
4. the BCA.

Details demonstrating compliance shall be provided to the certifier’s satisfaction with the Construction Certificate application.

(29) **Hair Dressing Salons -** The design, construction, fit-out, use of the hair dressing salon shall comply with relevant provisions of the Local Government (General) Regulation 2005. Details demonstrating compliance shall be provided to the certifier’s satisfaction prior to issue of a Construction Certificate.

(30) **Facilities for cleaning of communal property (internal and external) -** Facilities for the storage and maintenance of premises cleaning and maintenance equipment (including mobile plant) and for the storage of chemicals shall be:

1. provided with a cleaner’s sink supplied with hot and cold running water,
2. provided with connections for the filling and emptying of mobile cleaning equipment,
3. Connected to sewer for the disposal of wastewater,
4. graded and drained to sewer.

(31) **Waste Storage Room -** Plans showing the location and details of garbage room(s) including rooms used for the storage of waste oil from food premises and rooms used for the washing and storage of garbage receptacles shall be provided to the accredited certifier for approval.

Garbage / waste 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. Containment or bunding of stored liquid wastes may be required. Walls are to be smooth, impervious surfaces to ensure no moisture, oil or other material can soak in. Ventilation, pest proofing and a hose tap must be provided

(32) **Facilities for Waste Bin Washing -** Facilities for the washing and maintenance of waste bins must be covered, bunded, graded and drained to sewer. Walls and floors to the bin wash area are to be constructed of solid material and finished to a smooth impervious surface. Hose taps must be provided within the constructed bin wash bay.

(33) **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 certifier.

(34) **Regulated System - Water Cooling System -** Where an air- handling system including a cooling water system as defined under the provisions of the Public Health Act 2010 is proposed the system(s) shall be designed and installed in accordance with the relevant provisions of:

1. *Public Health Act 2010*;
2. thePublic Health Regulation 2012;
3. AS/NZS 3666 - Air Handling and Water Systems of Buildings – Microbial Control;
4. AS 1470 and AS 1657;
5. AS/NZS 1892.1 and 2865; and
6. relevant provisions for safe access in accordance with Workcover – 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 certifier with the Construction Certificate application.

(35) **Regulated System – Thermostatic Mixing Valves** – Where thermostatic mixing valves as defined under the provisions of the Public Health Act are proposed the system(s) shall be designed and installed in accordance with the relevant provisions of:

1. *Public Health Act 2010*;
2. thePublic Health Regulation 2012; and
3. AS NZS 3666 Air Handling and Water Systems of Buildings – Microbial Control.

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 certifier with the Construction Certificate application.

(36) **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 certifier with the Construction Certificate application.

(37) **Mechanical exhaust and filtration systems – Barbecue, charcoal and wood fired cooking** - Mechanical exhaust systems for food premises using barbecue, charcoal or wood fired appliances must obtain separate Development Approval.

Details of the proposed system of filtration and exhaust treatment must demonstrate compliance with the standards set out in Section 6 – Food Outlets – Local Government Air Quality Tool Kit – NSW EPA – and be provided to the accredited certifier with the Construction Certificate.

(38) **Mural Wall and Artwork** – Details of the of the proposed mural wall and artwork referenced on the stamped approved plans must be submitted to and approved by Council. These details include concept drawings depicting the content, materials, etc.

**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:

1. a description of the work to be carried out;
2. the address of the land on which the work is to be carried out;
3. the registered number and date of issue of the relevant development consent;
4. the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
5. 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
6. 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:

1. the name and address of the person by whom the notice is being given;
2. a description of the work to be carried out;
3. the address of the land on which the work is to be carried out;
4. the registered number and date of issue of the relevant development consent and construction certificate;
5. 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
6. 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:

1. a Construction Certificate has been issued by a Certifying Authority;
2. a principal certifier has been appointed by the person having benefit of the development consent;
3. if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
4. 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
5. 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:

1. that unauthorised entry to the work site is prohibited;
2. 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
3. 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 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.

(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:

1. measures to control noise emissions from the site;
2. measures to suppress odours and dust emissions;
3. soil and sediment control measures;
4. measures to control air emissions that includes odour;
5. measures and procedures for the removal of hazardous materials that includes waste and their disposal;
6. any other recognised environmental impact;
7. work, health and safety; and
8. 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:

1. noise mitigation measures;
2. noise and/or vibration monitoring;
3. use of respite periods;
4. complaints handling; and
5. 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) **Work Hours** - All work (including delivery of materials) shall be:

* restricted to between the hours of 7am to 5pm Monday to Saturday (inclusive), and
* not carried out on Sundays or public holidays,

unless approved in writing by Council.

(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:

1. 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;
2. 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;
3. 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;
4. a waste storage area shall be located on the site;
5. 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);
6. 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:
   * 1. be a standard flushing toilet connected to a public sewer; or
     2. have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
     3. 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) **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.

(10) **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.

(11) **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.

Noise levels emitted during works must comply with:

* Construction period of 4 weeks and under:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

* Construction period greater than 4 weeks and not exceeding 26 weeks:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

* Construction period greater than 26 weeks:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 5 dB(A).

Alternatively, noise levels emitted during works shall be restricted to comply with the NSW Environment Protection Authority Interim Construction Noise Guidelines.

(12) **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.

(13) **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.

(14) **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.

(15) **Fill Material (VENM and ENM)** - Prior to the importationand/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:

1. be prepared by a person with experience in the geotechnical aspects of earthworks; and
2. be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics; and
3. be prepared in accordance with;

Virgin Excavated Natural Material (VENM):

1. the Department of Land and Water Conservation publication "Site investigation for Urban Salinity;" and
2. 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;

1. provides no unacceptable risk to human health and the environment;
2. is free of contaminants;
3. 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");
4. is suitable for its intended purpose and land use; and
5. 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 (m3)** |
| 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.

(16) **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.

(17) **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).

(18) **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 be 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.

(19) **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.

(20) **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:

1. preserve and protect the building from damage;
2. if necessary, underpin and support the building in an approved manner; and
3. 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.

(21) **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.

(22) **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.

(23) **Demolition and Construction Waste Management Plan/s –** *The “Demolition & Construction Waste Management Plan: Oran Park Podium Stage 3A, Prepared by Wasteaudit, dated May 2021,” (o*r similar plan) is to be provided and followed to manage all waste generated from all construction activities. Recycling of waste material where appropriate must be incorporated into the plan.

(24) **Childcare Centre Wall and Roof Construction -** The selection of external wall and roof / ceiling construction materials must be consistent with section “6.1.3.2 , 6.1.3.3 and Table 9 – External Light Weight Wall Construction”, and section “6.1.4” and “Table 10 – External Light Weight Roof Construction” as contained within “DA Acoustic Assessment Oran Park Town Centre Podium 3A, Prepared by Acoustic Logic, dated 21 May 2021.”

(25) **Childcare Centre Glazing and Doors Construction -** The selection of glazing and door materials must be consistent with section “6.1.3.1 - Glazed Window and Doors” and “Table 7 - Complying Glazing Constructions” and “Table 8 - Minimum Rw of Glazing Assembly” contained within “DA Acoustic Assessment Oran Park Town Centre Podium 3A, Prepared by Acoustic Logic, dated 21 May 2021.”

(26) **Acoustic Wall On Northern Boundary -** A 4.5 metre high solid acoustic barrier is to be constructed on the northern boundary adjoining the loading dock area and extend to reach the loading dock driveway.

**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:

1. 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
2. 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:

1. the Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures;
2. the proprietor shall have the facilities inspected annually by a competent person;
3. 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
4. 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) **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.

(14) **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.

(15) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the principal certifier:

1. Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
2. 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.

(16) **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.

(17) **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.

(18) **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.

(19) **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.

(20) **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).

(21) **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.

(22) **Dead End Road** – Prior to the issue of an Occupation Certificate, the extension of Podium Way / Main Street as approved by DA/2018/1223/1 and DA/2019/497/1 shall be completed.

Alternatively, roadworks associated with DA/2018/1223/1 be completed with a turning facility 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.

(23) **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.

(24) **Completion of Road Works -** All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the *Roads Act* Approval.

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

(26) **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 Centre. The monitoring shall be undertaken by a qualified acoustic consultant to demonstrate compliance with the following:

1. 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 outside of the closest residential receiver on the opposite side of Dick Johnson Drive and the nearest future residential towers (Stage 2 of Podium) and:

* Day 63 dB(A) (LAeq, 15min)
* Evening 53 dB(A) (LAeq,15min)
* Night 48 dB(A) (LAeq,15min)

when measured outside of the Hotel (Stage 3B) and:

* Day 55 dB(A) (LAeq, when in use)

when measured within the outside play area of the childcare centre located on site.

1. 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.

(27) **Skin Penetration and Hair Dressing Premises -** The operator of the premises where skin penetration procedures or hair dressing activities are to be carried out must notify Council, in writing, prior to commencement of the use.

A satisfactory inspection of the completed fit out and equipping of the premises must be undertaken by Council prior to the use commencing.

(28) **Regulated System - Water Cooling System -** Where a regulated System – “Cooling Water System” - is installed evidence of the commissioning of the regulated system is to be provided by a suitably qualified person in accordance with the Public Health Act 2010 and Public Health 2012. A detailed report from the person who commissioned the regulated system is to be provided to the principal certifier.

Notification, in writing, of the installation of a Water Cooling System(s) must be provided to Council in accordance with the provisions of the Public Health Act 2010 and Public Health Regulation 2012.

A “Notification of Microbial Control” form can be found on Council’s website.

(29) **Regulated System – Thermostatic Mixing Valves** Where a regulated System – “Thermostatic Mixing Valves” - is installed evidence of the commissioning of the regulated system(s) is to be provided by a suitably qualified person in accordance with the Public Health Act 2010 and Public Health 2012. A detailed report from the person who commissioned the regulated system(s) is to be provided to the principal certifier.

Notification, in writing, of the installation of Thermostatic Mixing Valve(s) must be provided to Council in accordance with the provisions of the Public Health Act 2010 and Public Health Regulation 2012.

A “Notification of Microbial Control” form can be found on Council’s website.

(30) **Mural Wall and Artwork** – The proposed mural wall and artwork referenced on the stamped approved plans must be completed.

**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) **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:

1. all pollution control devices (Including drainage systems, sumps and traps) shall be regularly maintained;
2. all liquid wastes shall be collected and disposed of in a manner which does not pollute the stormwater system;
3. all paints chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area; and
4. appropriate equipment and absorbent material shall be provided and maintained in a prominent position in order to combat any spill.

(10) **Delivery / Collection Vehicle Noise Control -** All delivery or collection vehicles must switch engines off when vehicles are docked for loading or unloading.

(11) **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.

(12) **Building Internal Noise Levels -** For internal commercial spaces, the internal noise levels are to be compliant with the “design sound level” as listed in ‘AS/NZS2107:2000 – Acoustics – Recommended design Sound Levels and Reverberation Times For Building Interiors.’

(13) **Amenity -** The approved development shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations or residential/business premises.

(14) **Noise Control** - The use and occupation of the premises shall not give rise to offensive noise as defined within the meaning of the Protection of the Environment Operations Act 1997, The Protection of the Environment (Noise Control) Regulation 2017 and the Noise Policy for Industry (2017) (as amended).

(15) **Use of Ancillary and Remote Storage Facilities (Food Premises)** - The use of ancillary and remote storage facilities by food premises is prohibited without the prior approval of Council.