**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. General Terms of Approval from the Heritage Council of NSW dated 11 October 2019.
2. E-mail and attachments from Endeavour Energy dated 21 August 2019.
3. Letter from Water NSW dated 2 September 2019.
4. E-mail from Sydney Water dated 19 August 2019.
5. **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documents, and all recommendations made therein, except where amended by the conditions of this development consent:

|  |  |  |  |
| --- | --- | --- | --- |
| **Plan Reference/ Drawing No.** | **Name of Plan** | **Prepared by** | **Date** |
| DA0200 Issue C. | Demolition Plan. | architectus. | 25 June 2019. |
| DA0300 Issue C. | Site Plan. | architectus. | 9 July 2019. |
| DA0400 Issue E. | Landscape Plan. | architectus. | 3 July 2019. |
| DA1000 Issue C. | Ground Floor Plan (Agency Copy). | architectus. | 9 July 2019. |
| DA2000 Issue C. | Elevations. | architectus. | 9 July 2019. |
| DA2500 Issue B. | Sections. | architectus. | 21 June 2019. |
| DA4000 Issue B. | Finishes Schedule. | architectus. | 21 June 2019. |
| DA0300 Issue C. | Bin Storage Area Markup Location. | architectus. | 22 October 2019. |
| C1.00 Revision I to C7.03 Revision F (inclusive) stamped approved by Camden Council. | Engineering plans. | scp. | Various. |

|  |  |  |
| --- | --- | --- |
| **Document Title** | **Prepared by** | **Date** |
| Waste Management Plan. | FDC. | 19 April 2019. |
| Operational Waste Management Plan. | Royal Botanic Gardens and Domain Trust. | Undated. |
| Preliminary Salinity Assessment and Management Plan. | JK Environments. | 16 May 2019. |
| Development Application Acoustic Assessment. | Acoustic Logic. | 20 June 2019. |
| Civil DA Design Report. | scp. | 9 July 2019. |
| Bushfire Protection Assessment. | Travers. | 18 July 2019. |
| Flora and Fauna Survey and Assessment. | Lesryk. | 9 July 2019. |
| Aboriginal Cultural Heritage Due Diligence Assessment. | Past Traces. | 18 February 2019. |
| Hazardous Materials & Dangerous Goods Goods Risk Analysis. | Recovery Partners. | 26 February 2019. |
| BCA Assessment Report. | Blackett Maguire + Goldsmith. | 20 June 2019. |
| Arboricultural Impact Assessment. | tree iQ. | 18 July 2019. |
| Project Management Plan. | FDC. | 11 June 2019. |

1. **Modified Plans and Documents** - The development shall be modified as follows:
2. Update the engineering plans to include reference to Council’s Engineering Design and Construction Specifications.
3. The minimum grade for all pipelines is to be 1% in accordance with Council’s Engineering Specifications.
4. A waste bin storage area must be provided generally consistent with the approved Bin Storage Area Markup Location plan dated 22 October 2019. The area must comply with the following requirements:
* have a smooth graded ground surface,
* be well lit, built in accordance with the Building Code of Australia and well ventilated in accordance with AS 1668.4 (AS 1668.2 for buildings requiring mechanical ventilation),
* allow for each bin to be readily accessed and manoeuvred in and out of the area, providing a minimum 1.6m wide unobstructed walkway and a minimum 1.8m wide door/doorway (doors must be able to be locked open),
* be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff and unpleasant odour,
* provided with an external water tap adjacent to the area,
* provided with a drain discharging to a sewer connection,
* be sealed sufficiently to prevent access by vermin, and
* be provided with signage instructing users on bin types and appropriate materials.

Amended plans or documentation demonstrating compliance shall be provided to Council.

1. **Separate Approval for Signs** - A separate development application for any proposed signs shall be provided to, and approved by, the Consent Authority prior to the erection or display of those signs (unless the erection or display of those signs is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

(5) **National Construction Code - Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA.

(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:

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

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

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

(9) **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.

(10) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this development consent.

The following procedures shall be strictly observed:

* 1. no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval; and
	2. pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.

The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the Development site.

The works and procedures involved with the protection of existing trees and other landscape features, are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

(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) **No Tree Removal** - This development consent does not approve the removal of any trees.

**2.0 - Prior to Commencement of Works**

The following conditions of consent shall be complied with prior to any works commencing on the development site.

(1) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with ‘Managing Urban Stormwater - Soils and Construction ('the blue book') and any sediment and erosion plans approved with this development consent.

(2) **Protection of Trees to be Retained** - Protection of trees to be retained shall be in accordance with Council’s Engineering Specifications. The area beneath the canopies of the tree(s) to be retained shall be fenced. Tree protection signage is required to be attached to each tree protection zone and displayed in a prominent position.

(3) **Protection of Adjoining Bushland and/or Waterfront Areas** - To limit the potential for damage to the adjoining bushland areas and/or waterfront areas, the boundaries to these areas must be fenced prior to the commencement of any earthworks, demolition, excavation or construction works. As well as the fencing prior to any earthworks commencing, other protection measures must be completed in accordance with the standards as specified in AS 4970.

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

(4) **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.

(5) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:

1. retaining walls shall be designed and certified by a suitably qualified structural engineer;
2. 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;
3. retaining walls in fill shall be constructed to ensure all associated drainage and backfill remain wholly within the subject property;
4. 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.
5. retaining walls shall not be erected within drainage easements; and
6. retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.

(6) **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.

 A stormwater plan is to be prepared demonstrating the augmentation of the existing drainage system to accommodate drainage from the approved development and to protect other property.

(7) **Stormwater Detention and Water Quality** - A water quality system shall be provided for the site and designed in accordance with Council’s Engineering Specifications.

A detailed water quality report reflecting the approved development application plans and Council’s Engineering Specifications shall be provided to Council.

(8) **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’).

(9) **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 costs $25,000 or more.

(10) **Regulated System** - The regulated system 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;
4. AS 1470, AS 1657 and AS 3666;
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.

(11) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Council’s Engineering Specifications.

 The detailed landscape must identify the species proposed for the M1 planting area.

(12) **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). The applicant 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.

(13) **Fibre-Ready Facilities/Telecommunications Infrastructure** - Documentary evidence must be obtained to demonstrate 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 Council.

(14) **Site is to be Secured** - The site shall be secured and fenced.

(15) **Construction Management Plan** - A construction management plan that includes dust, soil and sediment and traffic management in accordance with Council’s Engineering Design Specification shall be prepared.

(16) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council’s Engineering Specifications and AS 1742.3.

(17) **Environmental Management Plan** -An environmental management plan (EMP) shall be prepared in accordance with Council’s Engineering Design Specification.

 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.

**3.0 - 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) **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*.

(3) **Vehicles Leaving the Site** - The construction supervisor must ensure that:

1. all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
2. the wheels of vehicles leaving the site:
3. do not track soil and other waste material onto any public road adjoining the site; and
4. fully traverse the site’s stabilised access point.

(4) **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.

(5) **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.

(6) **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.

(7) **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.

(8) **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).

(9) **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.

(10) **Protection for Existing Trees** - The protection of existing trees must be carried out as specified by AS 4970 Protection of Trees on Development Sites.

(11) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.

(12) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor levels comply with the approved plans or floor levels specified by the development consent, shall be provided to PCA prior to the development proceeding beyond each floor level stage.

(13) **Building Height** - A survey report prepared by a registered land surveyor confirming that the building height complies with the approved plans or as specified by the development consent, shall be provided to the PCA prior to the development proceeding beyond frame stage.

(14) **Stormwater - Collection and Discharge Requirements** - The roof of the subject building shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks conveyed to the stormwater drainage system as per the approved hydraulic plan.

(15) **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.

(16) **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.

(17) **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.

(18) **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.

(19) **Fill Material (VENM)** - 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 PCA.

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) | 1000or 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.

(20) **Fill Compaction** - All fill must be compacted in accordance with Council’s current Engineering Design Specifications.

(21) **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.

(22) **Archaeology Discovered During Excavation** - If any object surviving from the past is uncovered during the work that could have historical significance (but is not an Aboriginal object):

a) all work must stop immediately in that area;

b) the Office of Environment and Heritage (OEH) must be advised of the discovery in writing in accordance with Section 146 of the *Heritage Act 1977*, and

c) any requirements of OEH must be implemented.

**Note**. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1977* may be required before further work can continue.

For more information contact the heritage Division of OEH on (02) 9873 8500 or at

heritagemailbox@environment.nsw.gov.au.

(23) **Aboriginal Objects Discovered During Excavation** - If any Aboriginal object (including evidence of habitation or remains) is discovered during the work:

a) all excavation or disturbance of the area must stop immediately in that area;

b) the Office of Environment and Heritage (OEH) must be advised of the discovery in writing in accordance with Section 89A of the *National Parks and Wildlife Act 1974*, and

c) any requirements of OEH must be implemented.

**Note**. If an Aboriginal object is discovered, an Aboriginal Heritage Impact Permit may be required under the *National Parks and Wildlife Act 1974*.

More information is available at <http://www.environment.nsw.gov.au/ACHregulation.htm> or from the Environment line on 131 555.

**4.0 - Prior to the Development Being Occupied**

The following conditions of consent shall be complied with prior to the development being occupied.

(1) **Fire Safety Certificate** - A Fire Safety Certificate shall be provided in accordance with the requirements of the EP&A Regulation 2000.

(2) **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.

(3) **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.

* + - * 1. **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.

(5) **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 thePublic Health Regulation 2012 and AS/NZS 3666. A detailed report from the person who commissioned the system shall be provided to Council.

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.

(6) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers:

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.

(7) **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). The applicant 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.

(8) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.

(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) **Update of Bush Fire Prone Land Map** - A revised draft Bush Fire Prone Land Map shall be produced showing all asset protection zones and bush fire prone land within the site and shall include the following:

1. a statement that clarifies and certifies that the changes to the Maps are in accordance with the *Planning for Bush Fire Protection Guidelines* and *Guideline for Bush Fire Prone Land Mapping NSW Rural Fire Service.* See <http://www.rfs.nsw.gov.au/dsp_content.cfm?CAT_ID=900>.

The statement shall be prepared by a suitably qualified and experienced consultant who has:

1. experience in identifying bushfire prone land within NSW;
2. experience in assessing potential bushfire impact and developing and submitting bushfire risk assessments and deemed to satisfy designs and plans for development in bushfire prone areas;
3. a detailed knowledge of and experience with the bushfire planning, design and construction guidelines requirements for NSW (such as Planning for Bushfire Protection and Australian Standards) for subdivisions, new buildings, modifications to existing buildings;
4. a detailed knowledge of, and experience with, the bushfire provisions and hierarchy within the *Building Code of Australia*;
5. a detailed understanding of, and experience with, the bushfire provisions within, and the operation of the NSW and Local Government planning systems;
6. a thorough understanding of the Macarthur District Bush Fire Risk Management Plan and Macarthur District Bush Fire Operations Plan; and
7. public liability/professional indemnity insurance, each to a minimum of $30 million.

**Note**. The above criteria has been adopted from the Certification Guidelines for Bushfire Planning and Design BPAD (A & D) - Certified Practitioners (as per the FPA (Fire Protection Australia) Certified Practitioner and Business Programme (see website <http://www.fpaa.com.au/certification/index.php?certification=bpad>).

**5.0 - Ongoing Use**

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

(1) **Regulated System** - The regulated system shall be operated and maintained in accordance with the *Public Health Act 2010* and the *Public Health Regulation 2012*.

(2) **Storage or Hazardous Goods** - Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover Authority requirements, dependent on the quantities stored. Any flammable or combustible liquids shall be stored in accordance with AS 1940 'The Storage and Handling of Flammable and Combustible Liquids'.

Hazardous and/or industrial waste arising from the use shall be removed and/or transported in accordance with the requirements of the EPA and the NSW WorkCover Authority.

(3) **Discharge into Waterways** - No wastewater, chemicals or other substances shall be permitted to discharge to the waterway that runs through the site or Council’s stormwater system. Only clean, unpolluted water is permitted to discharge. All liquids (such as oils lubricants, hydraulic fluids, fuel, paints, detergents and any other chemicals) shall be stored in a covered and suitably bunded area.

(4) **Liquid Spills** - Sufficient supplies of appropriate absorbent materials and other spill prevention and clean-up materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill and sweeping or shoveling the material into a secure bin. Materials used to clean up shall be disposed of to an appropriately licensed waste facility.

(5) **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.

(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) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.

(8) **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.

(9) **Hours of Operation** - The hours of operation of the development are restricted to between the hours of 7am to 7pm Monday to Friday.

(10) **Number of Employees** - The number of people working on the premises shall not exceed 60 at any given time.

(11) **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.

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

(13) **State Environmental Planning Policy 33 - Hazardous and Offensive Development (SEPP 33)** - This development is prohibited from transporting to and from this site any dangerous goods which exceed the quantities listed in “Table 2. Transportation Screening Thresholds” on page 18 of the Hazardous and Offensive Development Application Guidelines Applying SEPP 33 dated January 2011.