

RECOMMENDED CONDITIONS

1.0 - General Conditions of Consent

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

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documents, and all recommendations made therein, except were amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by
A-DA-100-004 Rev 03	Site Plan	Benson McCormack Architecture
A-DA-102-001 Rev 01	Bulk Excavation	Benson McCormack Architecture
A-DA-110-000 Rev 19	Ground Floor	Benson McCormack Architecture
A-DA-110-001 Rev 12	Level 01	Benson McCormack Architecture
A-DA-110-002 Rev 11	Level 02	Benson McCormack Architecture
A-DA-110-003 Rev 10	Level 03	Benson McCormack Architecture
A-DA-110-004 Rev 10	Level 04	Benson McCormack Architecture
A-DA-110-005 Rev 10	Level 05	Benson McCormack Architecture
A-DA-110-006 Rev 07	Roof Plan	Benson McCormack Architecture
A-DA-110-B01 Rev 14	Basement 1	Benson McCormack Architecture
A-DA-210-001 Rev 09	North & South Elevation	Benson McCormack Architecture
A-DA-210-002 Rev 10	East & West Elevation	Benson McCormack Architecture
A-DA-310-001 Rev 06	Section AE + AW	Benson McCormack Architecture
A-DA-310-002 Rev 02	Section BE + BW	Benson McCormack Architecture
A-DA-310-003 Rev 05	Section CE + CW	Benson McCormack Architecture
A-DA-310-004 Rev 02	Section DE + DW	Benson McCormack Architecture

A-DA-310-005 Rev 02	Section EN + ES	Benson McCormack Architecture
A-DA-310-006 Rev 03	Section FN + FS	Benson McCormack Architecture
A-DA-600-001 Rev 01	Finishes Schedule	Benson McCormack Architecture
A-DA-710-001 Rev 08	GFA Diagrams	Benson McCormack Architecture
A-DA-740-001 Rev 02	Construction Waste Management Plan	Benson McCormack Architecture
A-DA-740-002 Rev 03	Ongoing Waste Management Plan	Benson McCormack Architecture
A-DA-810-101 Rev 02	Elevations Building 1	Benson McCormack Architecture
A-DA-810-201 Rev 02	Elevations Building 2	Benson McCormack Architecture
A-DA-810-301 Rev 02	Elevations Building 3	Benson McCormack Architecture
A-DA-810-401 Rev 05	Elevations Building 4	Benson McCormack Architecture
A-DA-810-402 Rev 05	Elevations Building 4	Benson McCormack Architecture
A-DA-810-403 Rev 05	Elevations Building 4	Benson McCormack Architecture
A-DA-810-501 Rev 02	Elevations Building 5	Benson McCormack Architecture
A-DA-810-601 Rev 02	Elevations Building 6	Benson McCormack Architecture
A-DA-810-602 Rev 01	Elevations Building 6	Benson McCormack Architecture
A-DA-810-701 Rev 03	Elevations Building 7	Benson McCormack Architecture
A-DA-810-702 Rev 02	Elevations Building 7	Benson McCormack Architecture
A-DA-811-404 Rev 04	Façade Detail Building 4	Benson McCormack Architecture
21163.DA.C01 Rev C	Title Page	siteplus
21163.DA.C02 Rev C	Drainage Plan 1	siteplus
21163.DA.C03 Rev C	Drainage Plan 2	siteplus
21163.DA.C04 Rev C	Basement Drainage Plan	siteplus

21163.DA.C05 Rev C	DRAINS Catchment Plan	siteplus
21163.DA.C06 Rev C	Western OSD Details	siteplus
21163.DA.C07 Rev C	Eastern OSD Details	siteplus
21163.DA.C08 Rev C	Pump Out Details	siteplus
21163.DA.C09 Rev C	Sediment and Erosion Control Plan	siteplus
21163.DA.C10 Rev C	Sediment and Erosion Control Plan Details	siteplus
Project # 2122 Issue C	Landscape Design Plans	turf

Document Title	Prepared by	Date
Updated traffic and Parking Impact Assessment	Stanbury Traffic Planning	September 2022
Stormwater Management Study	Siteplus	April 2022
Acoustic Report	Acoustic Noise & Vibration Solutions	4 November 2021
Bushfire Protection Assessment	ecological Australia	21 October 2021
Statement of Compliance - Access for People with a Disability	Accessible Building Solutions	29 October 2021
Construction Waste Management Plan	Benson McCormack Architecture	29 October 2021
Operational Waste Management Plan	Elephants Foot Consulting	8 September 2022

(2) **Modified Documents and Plans** - The development shall be modified as follows:

- (a) Lengthen the existing westbound right turn bays at the intersection of Gregory Hills Drive and Camden Valley Way by 40m. This must include obtaining approval from Transport for NSW as required.
- (b) Incorporate the option 1 works on Holborn Circuit as conceptually detailed in Appendix 5 of the updated traffic and parking impact assessment prepared by Stanbury Traffic Planning and dated September 2022. This must include obtaining approval from Transport for NSW as required.
- (c) Install a pedestrian crossing across Holborn Circuit North adjacent to building 4 as indicated on the approved plans and documents. This will require the concurrence of Council's Local Traffic Committee.
- (d) Provide a pedestrian refuge island within Holborn Circuit West parallel to development's central east-west pedestrian walkway that will connect Holborn Circuit East and Holborn Circuit West.
- (e) Construct a 1.5m wide pedestrian footpath (including a pram ramp) along the western verge of Holborn Circuit West from the alignment of the pedestrian

refuge island described in point (d) above to the existing footpath leading to/from the existing development at 1 Gregory Hills Drive (lot 811, DP 1189248).

- (f) Include parking restrictions along Holborn Circuit to the extent necessary to achieve compliant sight distances at the site's exit driveways.
- (g) Modify the loading dock area to ensure that service vehicle bodies and clearances will be clear of all structures and fences.
- (h) The car park must be designed in accordance with AS 2890.1 - Off-Street Car Parking.
- (i) Amend the landscaped and solid treatments abutting the at grade accessible car parking spaces to ensure that users can achieve safe and direct access from/to those parking spaces.
- (j) Incorporate wheel stops for all car parking spaces.
- (k) Include signage and line marking that clearly identifies all of the development's entry and exit driveways (including for loading areas).
- (l) Provide open style fencing around the child play plaza that will prevent children from exiting the development onto Holborn Circuit from this area.
- (m) Remove the 24m² business premises on the ground floor and replace it with a back of house area as it is required to provide access to the waste storage room.
- (n) Update the development's configuration shown on the approved plans and reports to ensure they are all consistent with the approved architectural plans by
Benson McCormack Architecture.

Amended plans or documentation demonstrating compliance shall be provided to the certifier and Council prior to the issue of a Construction Certificate.

- (3) **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:

- (a) Letter from Transport for NSW dated 21 September 2022.
- (b) Submission from Endeavour Energy dated 6 December 2021.
- (c) Letter from Sydney Water dated 6 January 2022.
- (d) Letter from NSW Police Force dated 22 December 2021.

- (4) **Approved Uses** - This development consent approves the following parts of the development to be used for the following purposes as defined by State Environmental Planning Policy (Precincts - Western Parkland City) 2021:

Part of the Development	Approved Use
Business.	Business premises ¹ .
Food and beverage.	Food and drink premises.

Part of the Development	Approved Use
Retail.	Shops.

¹The business premises are not approved to operate as restricted premises.

The development must also comply with the approved plans and documents and the conditions of this development consent.

- (5) **Separate Approval for Fit Out** - A separate development application for the fit out of each tenancy must be provided to and approved by Council prior to the use of that tenancy commencing operations (unless the fit out is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008).
- (6) **Separate Approval for Signs** - A separate development application for any proposed signs must 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).
- (7) **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.
- (8) **Shoring and Adequacy of Adjoining Property** - If the approved development involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road rail corridor, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

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 gives written consent to the condition not applying.

A copy of the written consent must be provided to the principal certifier prior to the excavation commencing.

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

- (a) no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval, and
- (b) 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) **Outdoor Lighting** - The approved development must include lighting in all areas that complies with AS 1158 and AS 4282.
- (12) **Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.
- (13) **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.
- (14) **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*.

- (15) **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.

- (16) **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 Transport for NSW 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.

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) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
- (a) Retaining walls shall be designed and certified by a suitably qualified structural engineer.
 - (b) Retaining walls shall be of masonry construction.
 - (c) Retaining walls shall be constructed to ensure all associated drainage and backfill remain wholly within the subject property.
 - (d) Adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries.
 - (e) All retaining walls facing public road reserves and public areas must be finished with an anti-graffiti coating.
- (2) **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 certifier.
- (3) **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 certifier must:
- (a) be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC, and
 - (b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as proposed.

- (4) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the 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.

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

- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. The carrier must confirm in writing that they are satisfied that the fibre-ready facilities are fit for purpose, and
- (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

This condition does not apply where an applicable exemption exists under Commonwealth law. Documentary evidence of any exemption relied upon must be provided to the certifier.

- (6) **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.

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.

- (7) **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.

- (8) **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*.

- (9) **Car Park Noise Control** - All off-street (including basement) car parks must have a coved finish with Slabseal 2000 SR sealant (or similar equivalent product) applied to the concrete floor. The coved finish and sealant must be suitably maintained on the floor of all car parks at all times to a standard that eliminates tyre squeal noise from being audible.

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

- (10) **Detailed Lighting Plan** - A detailed lighting plan shall be submitted to the certifier with the Construction Certificate application. The plan must demonstrate that the orientation and intensity of lighting will comply with AS 4282 and AS 1158.
- (11) **Detailed Landscaping Plan** - A detailed landscaping plan must be prepared in accordance with Appendix B of Camden Development Control Plan 2019. Details demonstrating compliance must be provided to the certifier.

The detailed landscaping plan must also include:

- (a) Substitution of Bangalow palm with *Livistona australis*.
- (b) Addition of an *Elaeocarpus eumundii* within the deep soil zone between the access ramp and staircase at the development's western entrance.
- (c) Street trees must consist of alternating *Platanus x acerifolia* (London Plane) and *Corymbia maculata* (Spotted Gum).
- (d) Street trees must not be positioned within 10m of road intersections, beneath street lighting or adjacent to stormwater inlets.
- (e) Street trees must be positioned to ensure minimum 2m clearance from existing rain gardens.
- (f) Street trees must be positioned at approximate 8m centres.
- (g) Street trees must be sourced in accordance with the tests and measurements contained within AS2303-2018 - Tree Stock for Landscape Use.
- (h) Tree planting details and section drawings specifying root barriers where trees are to be planted in close proximity to hard surfaces i.e. to the back of the kerb and to footpaths.
- (i) Street trees centred within planting bays and no closer than 500mm to the back of the kerb.
- (j) Street tree pit design shall generally be in accordance with Council's draft typical street tree details incorporating root management systems such as StrataCell or equivalent with integrated sub-surface drainage.
- (k) Street trees on the eastern and western interfaces of the development must be sourced in minimum 200 litre container stock.

The detailed landscaping plan must be submitted to Council for approval as part of the application for works in public road reserves pursuant to the *Roads Act 1993*.

- (12) **Driveway Gradients and Design** - The design of all driveways shall comply with AS 2890.1 - Off Street Car Parking and:
 - (a) the driveways shall comply with Council's Commercial Driveway Specifications,

- (b) the driveways shall be at least 1m from any street tree, stormwater pit or service infrastructure,
- (c) the level for the driveways across the footpath areas shall achieve a gradient of 4%, and
- (d) a driveway crossing approval must be obtained.

Details demonstrating compliance shall be provided to the certifier.

- (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 certifier and Council.
- (14) **Bin Rooms** - Plans showing the location and details of bin rooms and rooms used for the washing and storage of bins must be provided to the certifier for approval. Bin rooms are to be constructed of solid material and finished with a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste connection. Walls are to be smooth impervious surfaces to ensure no moisture, oils or similar material can soak in. Ventilation, pest proofing and a hose tap must be provided.
- (15) **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.
- (16) **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.
- (17) **Facilities for Cleaning of Communal Property** - Facilities for the storage of equipment and chemicals used for the cleaning and maintenance of communal areas shall be:
 - (a) provided with a cleaner's sink supplied with hot and cold running water,
 - (b) provided with connections for the filling and emptying of mobile cleaning equipment,
 - (c) connected to sewer for the disposal of wastewater, graded and drained to sewer.
- (18) **Potable Water Consumption Reduction** - The development must achieve a 40% reduction in baseline potable water consumption for comparable developments.

Details demonstrating compliance must be provided to the certifier.

- (19) **Evacuation Plan** - A plan indicating that permanent, fail-safe, maintenance free measures are incorporated in the development to ensure that timely, orderly and safe evacuation of people and potential pollutant material from the buildings on-site should a flood occur. Details demonstrating compliance shall be provided to the certifier.

- (20) **Structural Engineer's Report and Certificate** - A report and certificate must be prepared by a practicing structural engineer certifying that the building design is capable of withstanding the force of flood water, debris and buoyancy for the probable maximum flood event. Details demonstrating compliance shall be provided to the certifier.
- (21) **Special Infrastructure Contribution** - A special infrastructure contribution (SIC) is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution - Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

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

Alternatively, the applicant must obtain written confirmation from the Department of Planning and Environment that the SIC is not required to be paid for the approved development.

More information

A request for assessment by the Department of Planning and Environment of the amount of the special infrastructure contribution that is required under this condition can be made through the NSW Planning Portal (<https://www.planningportal.nsw.gov.au/special-infrastructurecontributions-online-service>). Please refer enquiries to SICContributions@planning.nsw.gov.au.

- (22) **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.

- (23) **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.

- (24) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council.

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 days prior to subdivision and/or building works commencing in accordance with the

Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice shall include:

- (a) a description of the work to be carried out,
 - (b) the address of the land on which the work is to be carried out,
 - (c) the registered number and date of issue of the relevant development consent,
 - (d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed,
 - (e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier, and
 - (f) a telephone number on which the principal certifier may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two days prior to subdivision and/or building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
- (a) the name and address of the person by whom the notice is being given,
 - (b) a description of the work to be carried out,
 - (c) the address of the land on which the work is to be carried out,
 - (d) the registered number and date of issue of the relevant development consent and construction certificate,
 - (e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied, and
 - (f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
- (a) a Construction Certificate has been issued by a certifier,
 - (b) a principal certifier has been appointed by the person having benefit of the development consent,
 - (c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two days before building work commences,
 - (d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences, and

- (e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- (a) that unauthorised entry to the work site is prohibited,
 - (b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - (c) the name, address and telephone number of the principal certifier for the work.

The sign must be maintained while the work is being carried out and removed when the work has been completed.

- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **Sydney Water Approval** - The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin to apply.

A copy of the approval receipt from Sydney Water must be submitted to the principal certifier.

- (8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater - Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (9) **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.
- (10) **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.
- (11) **Environmental Management Plan** - An environmental management plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the principal certifier.

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

- (a) measures to control noise emissions from the site,
- (b) measures to suppress odours and dust emissions,
- (c) soil and sediment control measures,

- (d) measures to control air emissions that includes odour,
 - (e) measures and procedures for the removal of hazardous materials that includes waste and their disposal,
 - (f) any other recognised environmental impact,
 - (g) work, health and safety, and
 - (h) community consultation.
- (12) **Construction Noise Management Plan** - A construction noise management plan shall be provided to the principal certifier and include the following:
- (a) noise mitigation measures,
 - (b) noise and/or vibration monitoring,
 - (c) use of respite periods,
 - (d) complaints handling, and
 - (e) community liaison and consultation.
- (13) **Construction Waste Management Plan** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, include the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must be kept on site for compliance until the completion of all construction works.
- (14) **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.
- (15) **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.
- (16) **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 two 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.

- (17) **Dilapidation Report - Adjoining Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of the following adjoining properties shall be prepared.

(a) 2 Holborn Circuit, Gledswood Hills (lot 802, DP 1189258).

(b) 18 Holborn Circuit, Gledswood Hills (lot 803, DP 1189258).

All costs incurred in preparing the dilapidation report and complying with the conditions it imposes shall be borne by the applicant.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant shall demonstrate in writing that all reasonable steps have been taken to obtain access to and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence shall be obtained from the principal certifier in such circumstances.

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:
- (a) restricted to between the hours of 7am to 5pm Monday to Saturday (inclusive), and
 - (b) not carried out on Sundays or public holidays,
- unless approved in writing by Council.
- (2) **Excavations and Backfilling** - All excavations and backfilling associated with the approved development must be executed safely 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, structure or work on adjoining land, including a structure or work in a road rail corridor, the person causing the excavation must:

- (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation,
- (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation, and
- (c) give at least 7 days' notice of the intention to excavate to the owner of the adjoining land before excavating.

The above requirements do not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land gives written consent to the requirements not applying.

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.

- (3) **Stormwater - Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes. Stormwater drainage is to be installed as per the approved hydraulic drainage plans.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The principal certifier shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (4) **Site Management** - The following practices are to be implemented during construction:
- (a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site,
 - (b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner,
 - (c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility,
 - (d) a waste storage area shall be located on the site,
 - (e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc), and
 - (f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer, or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.

- (5) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to principal certifier prior to the development proceeding beyond floor level stage.
- (6) **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.
- (7) **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.
- (8) **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.
- (9) **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.

- (10) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- (a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer, and
 - (b) 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.
- (11) **Fill Compaction** - All fill must be compacted in accordance with Camden Council’s current Engineering Design Specifications.
- (12) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)

Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.

- (13) **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.

- (14) **Noise During Work** - Noise levels emitted during works must comply with:

- (a) 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).

- (b) 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).

- (c) 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.

- (15) **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.
- (16) **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.
- (17) **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.
- (18) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, an assessment report and a sampling location plan for such material must be provided to and approved by the principal certifier.

The assessment report and associated sampling location plan must:

- (a) be prepared by a contaminated lands specialist, and

(b) be endorsed by a practicing engineer with specific area of practice in subdivisional geotechnics, and

(c) be prepared in accordance with:

Virgin Excavated Natural Material (VENM):

i) the Department of Land and Water Conservation publication 'Site investigation for Urban Salinity', and

ii) the Department of Environment and Conservation - Contaminated Sites Guidelines 'Guidelines for the NSW Site Auditor Scheme (Third Edition) - Soil Investigation Levels for Urban Development Sites in NSW'.

(d) confirm that the fill material:

i) provides no unacceptable risk to human health and the environment,

ii) is free of contaminants,

iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication 'Site investigation for Urban Salinity'),

iv) is suitable for its intended purpose and land use, and

v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

(e) less than 6,000m³ - 3 sampling locations, and

(f) greater than 6,000m³ - 3 sampling locations with 1 extra location for each additional 2,000m³ or part thereof.

For (e) and (f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for contamination and salinity must be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note)	1,000 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.

(19) **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.

(20) **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 certified contaminated land consultant has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (21) **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 salinity control measures contained in Council's Engineering Specifications.
- (22) **Relics Discovery During Works** - If any relic 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) Heritage NSW must be advised of the discovery in writing in accordance with Section 146 of the *Heritage Act 1977*, and
 - (c) any requirements of Heritage NSW must be implemented.
- (23) **Aboriginal Objects Discovered During Works** - 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) Heritage NSW 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 Heritage NSW must be implemented.
- (24) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.

5.0 - Prior to Issue of an Occupation Certificate

An Occupation Certificate shall be obtained prior to any use or occupation of the development. The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the principal certifier in accordance with the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- (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. The Survey Certificate shall be provided to the satisfaction of the principal certifier.

- (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. The certification/verification shall be provided to the satisfaction of the principal certifier.
- (4) **Driveway Crossing Construction** - Footpath and driveway crossings shall be constructed in accordance with this development consent and the driveway crossing approval.
- (5) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the principal certifier:

- (a) Energy supplier - A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development.
- (b) Water supplier - A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to www.sydneywater.com.au/section73 or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (6) **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 principal certifier must:
 - (a) be satisfied that suitable evidence is provided to demonstrate that the products and systems used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC, and
 - (b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as built.
- (7) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.
- (8) **Waste Management Plan** - The principal certifier shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (9) **Waste Collection Contract** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. A copy of the contract is to be held on the premises at all times.
- (10) **Lot Consolidation** - Lots 804, 805, 806, 807 and 808 in DP 1189248 must be consolidated into one lot.

A copy of the registered plan of consolidation shall be provided to the principal certifier.

- (11) **Positive Covenant - On-Site Detention (OSD) / On Site Retention (OSR) / Water Quality Facility** - A positive covenant shall be created under Section 88E of the *Conveyancing Act 1919* burdening the owner(s) with a requirement to maintain the on-site detention, water quality facility and on-site retention/re-use facilities on the property, prior to the issue of an Occupation Certificate.

The terms of the Section 88E instrument with positive covenant shall include the following:

- (a) the proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures,
- (b) the proprietor shall have the facilities inspected annually by a competent person,
- (c) the Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order the facilities, and
- (d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD and OSR, or failure to clean, maintain and repair the OSD and OSR.

The proprietor or successor shall bear all costs associated in the preparation of the subject Section 88E instrument. Proof of registration with NSW Land Registry Services shall be provided to and approved by the principal certifier prior to the issue of an Occupation Certificate.

- (12) **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.

- (13) **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 1993* approval.

- (14) **Acoustic Compliance Report** - A report shall be prepared by an independent acoustic consultant and be submitted to the principal certifier certifying that noise levels from the mechanical plant and services (including air conditioning units) will comply with the following criteria when measured from the property boundary:

- (a) 53dB(A) 7am-6pm, and
- (b) 43dB(A) 6pm-10pm,

All noise attenuation materials and structures used for the mitigation and control of noise must be compliant with the conditions of this development consent.

For any non-compliance, the report must make recommendations for compliance or further attenuation of noise sources and these recommendations will be enforced by Council at the cost of the owner/occupier.

The owner/occupier must then provide a supplementary acoustic report to the principal certifier certifying that all compliance works have been completed and that noise levels comply with the above criteria.

- (15) **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.

- (16) **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.

Certification for compliance with AS2303-2018 - Tree Stock for Landscape Use from the grower/supplier of the trees must be provided to the principal certifier.

- (17) **Landscape Certification** - Certification is to be provided to the principal certifier from the designer of the approved landscaping plans that all tree planting and landscape works have been carried out in accordance with the approved landscape plan. If Council is the principal certifier the certification is to be submitted to Council prior to or at the final landscape inspection. If Council is not the principal certifier a copy of the certification must be provided to Council.

- (18) **Food Premises Notification** - Council shall be notified that any premises is being used for the preparation, manufacture or storage of food for sale, or food intended for sale. A 'Notification of Food Premises' form can be found on Council's website.

- (19) **Skin Penetration Premises and Hair Dressing** - The operator of any 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.

- (20) **Compliance Certificate** - Once the installation of the mechanical ventilation system is completed, a Certificate of Compliance prepared by a suitably qualified mechanical engineer with details of tests carried out shall be provided to the principal certifier. Verification 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.

- (21) **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.

- (22) **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.

- (23) **Special Infrastructure Contribution Payment Evidence** - A document from the Planning Secretary certifying that the payment of a special infrastructure contribution:

(a) is not required at any time before the issue of an occupation certificate, or

(b) is required and the requirements has been met,

must be submitted to the certifier.

An occupation certificate must not be issued unless the certifier has received a copy of the document and has confirmed with the Planning Secretary that:

(a) the Planning Secretary issued the document, and

(b) no contributions or levies have been required since the document was issued.

6.0 - Ongoing Use

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

- (1) **Occupation Certificate Required** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (3) **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.
- (4) **Hours of Operation** - The property is only to be open for business and used for the purposes approved within the following hours:

Day	Hours of Operation
Monday	7am-10pm
Tuesday	7am-10pm
Wednesday	7am-10pm
Thursday	7am-10pm
Friday	7am-10pm
Saturday	7am-10pm
Sunday and Public Holidays	8am-10pm

- (5) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the site.

The loading area shall be used for loading and unloading operations in connection with the approved uses.

- (6) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.
- (7) **No Car Parking Spaces Allocation** - The approved car parking spaces are not to be allocated to any tenancies. All car parking spaces must be available for use by all staff working in and all people visiting the development.
- (8) **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.
- (9) **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.
- (10) **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.

- (11) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan in perpetuity.
- (12) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation, street tree installation and mulching.

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards, etc) shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans and all improvements be in full working order.

- (13) **Wastewater Treatment Devices** - All wastewater treatment devices (including drainage systems, sumps, traps and pumps) shall be regularly maintained in good working order to ensure that they remain effective. A maintenance schedule shall be developed and incorporated into a plan of management and kept on-site at all times

for staff to comply with. All liquid and solid wastes collected from the treatment device shall be disposed of in accordance with relevant environmental protection and waste control legislation.

- (14) **Food Premises** - All equipment (including pie warmers, hot food display units, etc) used for the display or storage of hot food shall maintain the food at a temperature of not less than 60°C.

All equipment used for the display or storage of cold food shall maintain the food at a temperature of not more than 5°C.

A food business must, at food premises where potentially hazardous food is handled, have a temperature measuring device (e.g. probe thermometer) that:

- (a) is readily accessible, and
- (b) can accurately measure the temperature of potentially hazardous food to +/-1°C.

A suitable waste contractor(s) must be engaged for the removal of wastes generated at the premises. All bins and waste storage facilities at the premises are to be sealed and emptied on a regular basis to prevent odour, vermin and fire hazards from occurring.

- (15) **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*.
- (16) **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.
- (17) **Offensive Noise and Noise Compliance** - 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*. Noise must also comply with the NSW Noise Policy for Industry 2017.
- (18) **Noise Criteria for Tenancies** - All businesses in the development must comply with the following project specific noise criteria when measured at the nearest residential receiver location:
- (a) Day 50dB LAeq, 15 Minute 7am to 6pm Monday to Saturday or 8am to 6pm Sunday and public holidays.
 - (b) Evening 43dB LAeq, 15 Minute 6pm to 10pm.
- (19) **Food and Drink Premises Noise Restriction** - Amplified entertainment is not permitted in alfresco dining areas except for background 'incidental' music from volume controlled speakers that generate a sound pressure level of 70dB(A) Lmax when measured at a distance of 3m from each speaker.
- (20) **Music and/or Amplifiers** - Music and other amplified sound, including recorded or broadcast programmes or the like, played on the premises, must be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists, and shall only be audible within the property boundaries.

- (21) **Use of Noise Generating Equipment for Common Property** - Use of noise generating equipment for cleaning/maintenance of communal areas must be restricted to 7am-10pm each day.
- (22) **Medical Waste** - Uses that include clinical waste as defined by the *Protection of the Environment Operations Act 1997* must store clinical waste in suitable waste disposal containers with securely fitting lids. These containers must be kept on the property for the storage of any clinical and related waste prior to the final disposal of the waste at a facility approved by the Environment Protection Authority.
- Waste disposal containers for sharps must comply with the applicable Australian Standard.
- (23) **Prohibition of Ancillary and Remote Storage Facilities for Food Premises** - The use of ancillary and remote storage facilities by food premises is prohibited without the prior approval of Council. All food and drink premises must include areas for the storage of items and equipment.
- (24) **Food Premises** - The use and ongoing operation of the food and drink premises must comply with all applicable Acts, Regulation, codes and standards including:
- (a) the *Food Act 2003*,
 - (b) the *Food Regulation 2015*,
 - (c) Food Standards Australia and New Zealand - Food Standards Code 2003, and
 - (d) AS 1668.1-2015 and 1668.2-2012.
- (25) **Skin Penetration Premises** - The use and ongoing operation of any skin penetration premises must comply with all applicable Acts, Regulations, codes and standards including:
- (a) the *Public Health Act 2010*,
 - (b) the *Public Health Regulation 2022*,
 - (c) the NSW Health Department - Guidelines for Skin Penetration, and
 - (d) the *Local Government (General) Regulation 2021*.
- (26) **Hair Dressing Salons** - The use and ongoing operation of any hair dressing salon must comply with relevant provisions of the *Local Government (General) Regulation 2021*.
- (27) **Alfresco Dining Areas** - The configuration of any tables and chairs in any alfresco dining areas for the food and drink premises must allow for the safe and efficient movement of pedestrians through the development.
- (28) **Bin Storage** - All bins must only be stored in the approved waste storage room.
- (29) **Clock Maintenance** - The external clock features must be permanently maintained in good working order and to the correct local time.