

Recommended Conditions

1.0 - General Conditions of Consent

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

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

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
1184	Survey Plan	Aspect Development & Survey Pty Ltd	14/5/21
000 Issue D	Cover Sheet	WMK Architecture	31/8/2022
001 Issue B	Site Plan	WMK Architecture	19/8/2022
100 Issue C	Basement 01 Plan	WMK Architecture	19/6/2022
101 Issue C	Basement 02 Plan	WMK Architecture	19/8/2022
102 Issue C	Ground Floor Plan	WMK Architecture	19/8/2022
103 Issue A	Mezzanine Plan	WMK Architecture	10/3/2021
104 Issue A	Level 01 Plan	WMK Architecture	10/3/2021
105 Issue A	Level 02 Plan	WMK Architecture	10/3/2021
106 Issue B	Level 03 Plan	WMK Architecture	22/6/2022
107 Issue B	Level 04 Plan	WMK Architecture	22/06/2022
108 Issue B	Roof Plan	WMK Architecture	22/06/2022
500 Issue B	External Elevations and Material Palette	WMK Architecture	22/06/2022
DA501 Issue C	External Elevations and Material Palette	WMK Architecture	31/8/2022
DA600 Issue B	Building Sections	WMK Architecture	22/06/2022
DA601 Issue B	Building Sections	WMK Architecture	22/06/2022
990 Issue B	GFA Calculations	WMK Architecture	22/06/2022
991 Issue A	GFA Calculations by Use	WMK Architecture	22/06/2022
Issue E	Design Statement	Landfx	18/8/2022

Issue E	Landscape Master Plan	Landfx	18/8/2022
Issue E	Landscape Section A	Landfx	18/8/2022
Issue E	Landscape Section B	Landfx	18/8/2022
Issue E	Materials and Lighting Palette	Landfx	18/8/2022
Issue E	Indicative Planting Palette	Landfx	18/8/2022
400 Issue E	Planting Schedule	Landfx	18/8/2022
401 Issue E	Planting Plan 1 of 1	Landfx	18/8/2022
701 Issue E	Landscape Details	Landfx	18/8/2022
800 Issue E	Landscape Details	Landfx	18/8/2022
CI-007-001 Rev B	General Notes	Stantec	11/3/2022
CI-070-001 Rev B	Erosion and Sediment Control Plan	Stantec	11/3/2022
CI-076-001 Rev B	Erosion and Sediment Control Details	Stantec	11/3/2022
CI-100-001 Rev B	Bulk Earthworks Plan	Stantec	17/6/2022
CI-501-001 Rev B	Music Model & Catchment Plan	Stantec	11/3/2022
CI-520-001 Rev E	Stormwater Drainage Plan – Ground	Stantec	18/8/2022
CI-520-001 Rev E	Stormwater Drainage Plan – Basement Level 1	Stantec	18/8/2022
CI-520-001 Rev C	Stormwater Drainage Plan – Basement Level 2	Stantec	18/8/2022
CI-526-001 Rev C	Stormwater Drainage Details – Sheet 1	Stantec	18/8/2022
CI-526-002 Rev E	Stormwater Drainage Details – Sheet 2	Stantec	18/8/2022
CI-526-003 Rev B	Stormwater Drainage Details – Sheet 2	Stantec	18/8/2022
CI-526-011 Rev A	Civil Details	Stantec	17/6/2022

Document Title	Prepared by	Date
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Operational Waste Management Plan Report No. SO1122 Rev F	Elephants Foot Consulting Pty Ltd	5/4/2022
Geotechnical Investigation Ref 34705Lrpt	JK Geotechnics	28/1/2022
BCA Assessment Report, report no. 210537 Rev 1	Blackett Maguire + Goldsmith	4/4/2022
Access Capability Statement Ref 210537 Rev 0	Blackett Maguire + Goldsmith	8/3/2022
Acoustic Report Ref 301350465	Stantec Australia Pty Ltd	8/12/2021

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

- a) The door to the secondary waste storage room on Basement Level 2 is required to be a minimum of 1.8m wide to allow for the storage of 660L bins.

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

- (3) **Separate Approval for Use** - A separate development application for the fit out and use of the food and drink tenancy, two retail tenancies, and all business premises tenancies on levels 1, 2 and 3 shall be submitted to and approved by Council prior to that use commencing (unless the fit out and use is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008).
- (4) **Separate Approval for Fit Out** - A separate development application for the fit out of The Lowdown on the ground floor and mezzanine levels and the Trend Colour Selection and Construction Business on level 4 shall be submitted to and approved by Council prior to that use commencing (unless the fit out and use is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008).
- (5) **National Construction Code – Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA. In this condition, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (6) **Shoring and Adequacy of Adjoining Property** - 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.

- (7) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (8) **Outdoor Lighting** – The approved development must include lighting in all areas that complies with AS 1158 and AS 4282.
- (9) **Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.
- (10) **Roof Mounted Equipment** - All roof mounted equipment such as air conditioning units, etc., required to be installed shall be integrated into the overall design of the building and not appear visually prominent or dominant from any public view.
- (11) **Noxious Weeds Management** - Weed dispersion must be minimised and weed infestations must be managed during all stages of the development. Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material to prevent the spread of all weeds to or from the property.

Earth moved containing noxious weed material must be disposed of at an approved waste management facility and be transported in compliance with the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*.

- (12) **Infrastructure in Road and Footpath Areas** – Infrastructure must not be removed and/or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of pram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street footpath area for the proposed development shall be borne by the applicant, and not Council.

Note. The issue of this development consent does not imply concurrence or approval of any required public infrastructure work associated with the development.

- (13) **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.

- (14) **Separate Approval for Signs** - A separate development application for any proposed signs shall be provided to and approved by Council prior to the erection or display of

those signs (unless the erection or display of those signs is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

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) **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.

- (2) **Construction Certificate** - The following information shall be provided to the certifier with the Construction Certificate application:

a) Civil Engineering Plan shall be updated to include the below:

- i. Calculation showing the sizing of pump out tank at the basement to be provided.
- ii. Calculation shall show the seepage rate being used. Seepage rate shall be determined using the geo technical report prepared by the qualified geotechnical engineer.

- (3) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the accredited certifier.

- (4) **External Walls and Cladding Flammability** – The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate the accredited certifier must:

- a) be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
- b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as proposed.

- (5) **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.

- (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) **Garbage Room** - Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the accredited certifier for approval. Garbage room(s) are to be constructed of solid material and finished as a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste connection. Walls are to be smooth impervious surfaces to ensure no moisture, oils or similar material can soak in. Ventilation, pest proofing and a hose tap must be provided.

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

- (11) **Detailed Landscape Plan** - A detailed landscape 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 landscape plan must also include:

- One additional street tree is required to be incorporated along the Lasso Road frontage. The species is required to be a *Lophostemon confertus*.
- The central plant box within courtyard is required to contain a soil depth and volume to allow adequate support to a medium size canopy tree capable of reaching a mature height of 8-12m.

- An additional four planter boxes are to be provided in the central courtyard to adequately support small size canopy trees capable of reaching a mature height of 5m.
 - Planter boxes must in accordance with Section P4 of Apartment Design Guide.
 - Two additional trees are required be incorporated into the rear setback landscaped corners.
 - All trees to be a minimum 2m from driveways.
 - All trees shall be sourced in minimum of 100 litre container stock.
 - Landscape treatment to increase shrub species density that reach a minimum mature height of 2m.
 - Street trees sourced in accordance with the tests and measurements contained within AS2303-2018 – Tree Stock for Landscape Use.
 - All tree stock shall be compliant with AS2303-2018, with certification to be provided to the Principal by the grower. Uncertified tree stock will not be accepted by Council.
 - Landscaping shall incorporate the relevant ESD and WSUD principals as outlined in Camden Growth Centres DCP Cl. 6.5, and co-ordinate this with stormwater.
 - Detailed landscape plans must be prepared in accordance with Appendix B of Council's DCP 2019 prior to issue of the Construction Certificate and be approved by Council.
 - Installation of street trees to be in accordance with Council's Engineering Design Specifications including root barrier installed 450-600 mm deep by minimum of 1.5 m wide, installed between tree and kerb and footpaths where applicable.
- (12) **Sydney Water Trade Waste** - The applicant shall contact the Commercial Trade Waste section of Sydney Water regarding the trade waste requirements. A written response from Sydney Water demonstrating compliance shall be provided to the accredited certifier and Council.
- (13) **Food Premises** - The design, construction, fit-out, use and ongoing operation of the food premises and/or food storage area shall comply with all applicable Acts, Regulation, codes and standards including:
- a) the *Food Act 2003*;
 - b) the Food Regulation 2015;
 - c) Food Standards Australia and New Zealand – Food Standards Code 2003;
 - d) AS 1668.1-2015 and 1668.2-2012;
 - e) the BCA; and
 - f) AS 4674-2004 Design, construction and fit-out of food premises.

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

- (14) **Regulated System** - Where an air-handling system including a cooling water system, as defined under the provisions of the Public Health Act 2010, is proposed the system(s) shall be designed and installed in accordance with the relevant provisions of:
- a) *Public Health Act 2010*;
 - b) the Public Health Regulation 2012;
 - c) AS/NZS 3666 Air handling and Water Systems of buildings – Microbial control
 - d) AS 1470 and AS 1657;
 - e) AS/NZS 1892.1 and 2865; and
 - f) relevant provisions for safe access in accordance with Workcover – Code of Practice for Safe Work on Roofs Part 1: Commercial and Industrial Buildings.

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

- (15) **Mechanical Ventilation** – The kitchen and basement waste storage room must be provided with a system of mechanical ventilation that complies with the requirements of Australian Standard 1668, Parts 1 & 2. Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.
- (16) **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.

- (17) **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.

- (18) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

- (19) **Hydrocarbon reduction** - A certification from a suitably qualified stormwater engineer stating that the proposed development will meet hydrocarbons reduction target i.e. development will have measure in place to reduce hydrocarbons, motor fuels, oil and grease by 90% of the average annual pollutant load for the 3 month average recurrence interval event to be provided to the PCA.
- (20) **Potable Water Consumption Reduction** - The development must achieve a 40% reduction in baseline potable water consumption for comparable business premises / food and drink premises. Details demonstrating compliance must 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.

3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (2) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with 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 (2) 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 (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited,
 - b) the name of the principal contractor, 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) **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.
- 38-44 and 22-26 Lasso Road, Gregory Hills
 - 4 & 6 Steer Road, Gregory Hills.

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.

- (10) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the principal certifier and Council at least 2 days prior to the commencement of works.

Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.

- (11) **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.

- (12) **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.
- (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) **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.
- (15) **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.
- (16) **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.

- (17) **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.

4.0 – During Works

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

- (1) **Work Hours** – All work (including delivery of materials) shall be:
- restricted to between the hours of 7am to 5pm Monday to Saturday (inclusive), and
 - not carried out on Sundays or public holidays,
- unless approved in writing by Council.

- (2) **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) **Site Management** – The following practices are to be implemented during construction:

- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) a waste storage area shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Compliance with BCA** – All building work shall be carried out in accordance with the requirements of the BCA.
- (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.
- (5) **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.
- (6) **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.

- (7) **Vehicles Leaving the Site** – The construction supervisor must ensure that:
- all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - the wheels of vehicles leaving the site:
 - do not track soil and other waste material onto any public road adjoining the site; and
 - fully traverse the site’s stabilised access point.
- (8) **Fill Compaction** – All fill must be compacted in accordance with Camden Council’s current Engineering Design Specifications.
- (9) **Removal of Waste Materials** – Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)
- Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (10) **Soil, Erosion, Sediment and Water Management – Implementation** – All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (11) **Noise During Work** – Noise levels emitted during works 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.

- (12) **Location of Stockpiles** – Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (13) **Disposal of Stormwater** – Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (14) **Delivery Register** – The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development.
- (15) **Fill Material (VENM)** – Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the principal certifier.

The validation report and associated sampling location plan must:

- a) be prepared by a person with experience in the geotechnical aspects of earthworks; and
- b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics; and
- c) be prepared in accordance with;

Virgin Excavated Natural Material (VENM):

- i) the Department of Land and Water Conservation publication “Site investigation for Urban Salinity;” and
 - ii) the Department of Environment and Conservation – Contaminated Sites Guidelines “Guidelines for the NSW Site Auditor Scheme (Second Edition) – Soil Investigation Levels for Urban Development Sites in NSW.”
- d) confirm that the fill material;
- i) provides no unacceptable risk to human health and the environment;
 - ii) is free of contaminants;
 - iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land

and Water Conservation publication “Site investigation for Urban Salinity”);

- iv) is suitable for its intended purpose and land use; and
- v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6000m³ – 3 sampling locations; and
- f) greater than 6000m³ – 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

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

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

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note)	1000 or part thereof

Note – Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (16) **Offensive Noise, Dust, Odour and Vibration** – All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (17) **Erosion and Sedimentation Control** – Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).

Soil erosion and sediment control measures shall only be removed upon completion of the works when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).
- (18) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.
- (19) **Unexpected Finds Contingency (General)** – Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a 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.

- (20) **Salinity Management Plan** – All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within the approved salinity management plan titled “Report on Salinity Management Plan – proposed central Hills Business Park Gregory Hills Development project 40741.14 revision 2 January 2010”.
- (21) **External Glazing** – All external glazed facades must have an Rw rating of 32.

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** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (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) **Positive Covenant – OSD / On Site Retention / Water Quality Facility** – A positive covenant shall be created under Section 88E of the *Conveyancing Act 1919* burdening the owner(s) with a requirement to maintain the on-site detention, water quality facility and on-site retention/re-use facilities on the property, prior to the issue of an Occupation Certificate.

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

- a) the Proprietor of the property shall be responsible for maintaining and keeping clear all pits, 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.
- e) The Council may recover as liquidated debt, the cost of all remedial work carried out from the proprietor forthwith up on demand.

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.

- (9) **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.

- (10) **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.
- (11) **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.
- (12) **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.
- (13) **Inspection of Existing Street Trees** – All existing street trees must be inspected by Council to ensure that they are undamaged and in a healthy condition.
- (14) **Food Premises Notification** – Council shall be notified that the 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.
- (15) **Regulated System** – Where a regulated System – "Cooling Water System" – is installed evidence of the commissioning of the regulated system is to be provided by a suitably qualified person in accordance with the Public Health Act 2010 and Public Health 2012. A detailed report from the person who commissioned the regulated system is to be provided to the principal certifier.

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

A "Notification of Microbial Control" form can be found on Council's website.

- (16) **Noise Management Plan** – A noise management plan prepared by an appropriately qualified person is to be submitted to and approved by Council before the issue of an Occupation Certificate. The plan shall demonstrate the management principles that will be implemented at the site to ensure that the noise emissions from the premises will comply with the relevant noise criteria. The plan shall include but is not limited to the following information:
 - a. Details of the management practices to be implemented to contain noise within the courtyard so as not to be offensive to other occupants in the complex and adjoining premises.
 - b. Details of management practices to be implemented to ensure the noise emitted from patrons arriving at and leaving the premises will not exceed the criteria.
 - c. Details of how noise emitted by people leaving the premises in large groups/volumes (i.e. after functions) will be minimised/ managed.
 - d. A complaints handling system including details regarding how noise complaints from the use of the premises will be received, rectified, recorded and monitored.

6.0 – Ongoing Use

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

- (1) **Manoeuvring of Vehicles** – All vehicles shall enter and exit the site in a forward direction.
- (2) **Removal of Graffiti** – The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (3) **Hours of Operation** – The property is only to be open for business and used for the purpose approved within the following hours:
 - Business Premises, Food and Drink Premises and Retail Premises:
24 hours, 7 days a week.
 - Temporary Events in Central Courtyard:
7:30am to 11:00pm on Monday, Tuesday, Wednesday or Thursday;
7:30am to 12:00am during Friday or Saturday; and
7:30am to 8:00pm on Sunday.
- (4) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site. The loading dock shall be used for loading and unloading operations in connection with the approved use.
- (5) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.
- (6) **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.
- (7) **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. The premises must at all times operate in accordance with the Noise Management Plan required by condition 5.0(16) of this consent.
- (8) **Pollution Control** - The use and operation of the premises shall not give rise to the discharge (by air, water or land) of any pollutant which may degrade the environment or be prejudicial to its inhabitants, in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

The use shall operate in accordance with the following:

- a) all pollution control devices (Including drainage systems, sumps and traps) shall be regularly maintained;
- b) all liquid wastes shall be collected and disposed of in a manner which does not pollute the stormwater system;

- (9) **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.
- (10) **No Waste to Be Stored Outside of the Site** – No waste is to be placed on any public land (eg. footpaths, roadways, plazas, reserves, etc.) or any other properties at any time.
- (11) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (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) **Music and Amplifiers** - Music and other amplified sound, including recorded or broadcast programmes or the like, played on the premises, shall be controlled so as not to cause any distraction or disturbance to nearby or adjacent tenants, pedestrians or motorists, and shall not exceed 45dB(A) leq 15min when measured within the neighbouring commercial premises / adjacent premises.
- (14) **Public Address Systems and Amplified Music** - Public address systems and amplified music are not to be installed or used external to the commercial tenancy.
- (15) **Use of Ancillary and Remote Storage Facilities (Food Premises)** - The use of ancillary and remote storage facilities by food premises is prohibited without the prior approval of Council.