**Recommended Conditions**

**1.0 - General Conditions of Consent**

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

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

The general terms of approval/requirements are:

1. Transport for NSW letter dated 12 July 2022.
2. Endeavour Energy letter dated 20 July 2022
3. NSW Police Camden Local Area Command letter dated 17 June 2022

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Plan Reference/ Drawing No.** | **Name of Plan** | **Prepared by** | **Date** |
| DA.010B | Site Plan  | Toth & Partners P/L BVR422 | 11/07/2022 |
| DA.100B | Proposed GA Plan – Overall Site  | Toth & Partners P/L BVR422 | 11/07/2022 |
| DA.101D | Proposed Podium 1 Anderson Road  | Toth & Partners P/L BVR422 | 27/09/2022 |
| DA.102D | Proposed Podium 2 Anderson Road  | Toth & Partners P/L BVR422 | 27/09/2022 |
| DA.103D | Proposed Podium 3Anderson Road | Toth & Partners P/L BVR422 | 27/09/2022 |
| DA.104C | Proposed Podium 3Basement Storage  | Toth & Partners P/L BVR422 | 27/09/2022 |
| DA.105D | Proposed Podium 4 Part 1 Turner Road | Toth & Partners P/L BVR422 | 27/09/2022 |
| DA.106C | Proposed Podium 4Part 2 Turner Road | Toth & Partners P/L BVR422 | 27/09/2022 |
| DA.107D | Proposed Podium 4Part 3 Turner Road | Toth & Partners P/L BVR422 | 27/09/2022 |
| DA.110C | Proposed Mezzanine Podium 1 Anderson Road | Toth & Partners P/L BVR422 | 27/09/2022 |
| DA.111D | Proposed Mezzanine Podium 2  | Toth & Partners P/L BVR422 | 27/09/2022 |
| DA.112C | Proposed Mezzanine Podium 3Anderson Road | Toth & Partners P/L BVR422 | 27/09/2022 |
| DA.113B | Proposed Mezzanine Podium 3Basement Storage  | Toth & Partners P/L BVR422 | 27/09/2022 |
| DA.114D to DA.116D | Proposed Mezzanine Podium 4 – Part 1 to Part 3Turner Road | Toth & Partners P/L BVR422 | 27/09/2022 |
| DA.120D | Proposed Childcare Ground Floor Plan  | Toth & Partners P/L BVR422 | 27/09/2022 |
| DA.121C | Proposed Childcare First Floor Plan | Toth & Partners P/L BVR422 | 15/09/2022 |
| DA.190C | Proposed Roof Podium 1 Anderson Road | Toth & Partners P/L BVR422 | 15/09/2022 |
| DA.191C to DA.193C | Proposed Roof Podium 4Part 1 to Part 3Turner Road | Toth & Partners P/L BVR422 | 15/09/2022 |
| DA.200C  | Long Section  | Toth & Partners P/L BVR422 | 15/09/2022 |
| DA.201C | 3D Longitudinal Sections  | Toth & Partners P/L BVR422 | 15/09/2022 |
| DA.202C | Proposed Podium 1Sections A-B | Toth & Partners P/L BVR422 | 15/09/2022 |
| DA.203B | Proposed Podium 2 Section C-D | Toth & Partners P/L BVR422 | 11/07/2022 |
| DA.204B | Proposed Podium 2 Section E-F | Toth & Partners P/L BVR422 | 11/07/2022 |
| DA.205B | Proposed Podium 2 Section G-H | Toth & Partners P/L BVR422 | 11/07/2022 |
| DA.206A | Childcare First Floor Section  | Toth & Partners P/L BVR422 | 15/09/2022 |
| DA.300B - DA.301B | Proposed Podium 1 Elevations A-B | Toth & Partners P/L BVR422 | 11/07/2022 |
| DA.302B | Proposed Podium 1Elevation A-B | Toth & Partners P/L BVR422 | 11/07/2022 |
| DA.303C | Proposed Podium 2 Elevations C-D | Toth & Partners P/L BVR422 | 11/07/2022 |
| DA.304C | Proposed Podium 2 Elevations E-F | Toth & Partners P/L BVR422 | 15/09/2022 |
| DA.305C | Proposed Podium 2 Elevations G-H | Toth & Partners P/L BVR422 | 15/09/2022 |
| DA.800B | Proposed Fence Types  | Toth & Partners P/L BVR422 | 15/09/2022 |
| DA.920A | Estate Signage  | Toth & Partners P/L BVR422 | 09/2022 |
| DA.921A | Estate Signage  | Toth & Partners P/L BVR422 | 09/2022 |
| DA.930A | Typical Plant Screening  | Toth & Partners P/L BVR422 | 09/2022 |
| 02563\_110Rev 02 | General Notes  | C&M Consulting EngineersPN02563 | 06/05/2022 |
| 02563\_120 Rev 02 | Site Plan  | C&M Consulting EngineersPN02563 | 06/05/2022 |
| 02563\_201 to 02563\_203Rev 02 | General Arrangement Plan Ground Level Sheet 1-3 | C&M Consulting EngineersPN02563 | 06/05/2022 |
| 02563\_204Rev 02 | General Arrangement Plan Upper Level Turner Road | C&M Consulting EngineersPN02563 | 06/05/2022 |
| 02563\_221Rev 02 | Pavement Plan and Details  | C&M Consulting EngineersPN02563 | 06/05/2022 |
| 02563\_301Rev 02 | Turner Road –Typical Section and Long Section  | C&M Consulting EngineersPN02563 | 06/05/2022 |
| 02563\_401 to 02563\_402Rev 02 | Typical SectionsSheet 1 of 2 | C&M Consulting EngineersPN02563 | 06/05/2022 |
| 02563\_601Rev 02 | Catchment Plan  | C&M Consulting EngineersPN02563 | 06/05/2022 |
| 02563\_611Rev 02 | Stormwater Calculation Tables | C&M Consulting EngineersPN02563 | 06/05/2022 |
| 02563\_621Rev 02 | Stormwater – Water Quality System  | C&M Consulting EngineersPN02563 | 06/05/2022 |
| 02147\_701Rev 02 | Sedimentation & Erosion Control  | C&M Consulting EngineersPN02563 | 06/05/2022 |
| DA\_01Rev C | Context Plan  | GreenscapeJob No. 220509 | 28/09/2022 |
| DA\_02 Rev C | Podium – Anderson Road | GreenscapeJob No. 220509 | 28/09/2022 |
| DA\_03 Rev C  | Podium – Turner Road | GreenscapeJob No. 220509 | 28/09/2022 |
| DA\_04 - DA\_05Rev C | Playscape Plan 1 & 2 | GreenscapeJob No. 220509 | 28/09/2022 |
| DA\_06 - DA\_08Rev C | Roof Garden 1-3 | GreenscapeJob No. 220509 | 28/09/2022 |
| DA\_09 – DA\_15Rev C  | Planting Plan 1-7 | GreenscapeJob No. 220509 | 28/09/2022 |
| DA\_16Rev C | Precedential Images | GreenscapeJob No. 220509 | 28/09/2022 |
| DA\_17Rev C | Planting Palette | GreenscapeJob No. 220509 | 28/09/2022 |
|  | Landscape Specifications | GreenscapeJob No. 220509 | 28/09/2022 |

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| **Document Title** | **Prepared by** | **Date** |
| Air Quality AssessmentProject Number 0058 | Zephyr Environmental  | 07/07 2022 |
| Geotechnical Investigation and Salinity Assessment, Report GG10292.001A | Green Geotechnics Pty Ltd | 03/09/2021 |
| Acoustic Assessment for Industrial Development, 36 Turner road Smeaton Grange, reference: SYD2021-1611-R001C | Acouras Consultancy Pty Ltd | 01/05/2022 |
| Waste Management Plan  | Walkway Properties P/L | 19/05/2022 |
| Building Code of Australia Compliance NCC 2019 Amendment 1Report No. 210205r4 | Building Anatomy P/L | 26/09/2022 |
| Fire Safety Engineering Design Review for DA submission. Reference 312522 Issue 1.1 | Scientific Fire Services | 27/09/2022 |
| Traffic and Parking Impact Assessment of Proposed Industrial Development and Child Care  | McLaren Traffic Engineering & Road Safety Consultants  | 19/05/2022 |
| Hazard Analysis Report Proposed Building including child care centre in respect of nearby service station  | Whamcorp Pty Ltd  | 26/09/2022 |
| Phase 2 Detailed Site (Contamination) Investigation SLR Ref: R01 Version No. v0.1 | SLR Consulting Australia P/L | 03/2021 |
| Soil Sampling  | Compliance Health & Environmental Consulting (CHEC) | 08/09/2021 |
| Hazardous Materials Assessment CH1233\_D9585Version 1.0 | Compliance Health & Environmental Consulting (CHEC) | 08/2021 |
| Data Gap Assessment – Child Care AreaCH1233-D220131 | Compliance Health & Environmental Consulting (CHEC) | 26/09/2022 |

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

1. Amended plans shall be provided demonstrating screen planting in front of the child care centre perimeter fencing facing Anderson Road. The screen planting shall be a native species with a minimum maturity height of 1.5m.

*Reason* – The additional screen planting is required to soften this façade to the street.

1. Amended plans shall be provided demonstrating a minimum of 4 x additional native trees to a minimum maturity height of 10m in the front setback of Anderson Road between the front boundary and the child care centre.

*Reason* – To provide additional tree canopy to this area, soften the façade to the street, provide additional natural particulate filtration to the childcare centre, provide additional protection from potential vehicle conflict on this façade (upon maturity of the trees).

1. Amended plans are required demonstrating the provision of a 5 space bicycle rack on site.

*Reason* – The provision of 5 space bicycle storage is required for bicycle parking in accordance with the carparking provision of the Camden Development Control Plan 2019.

1. Amended plans shall be provided demonstrating additional protective devices necessary to protect the building or other fixed object from damage by vehicles, particularly the additional protective measures shall be demonstrated along the entire Anderson Road and north-west internal elevation of the child care centre outdoor play area.

Protective devices shall be clearly visible to drivers when in their normal driving position. The protective devices are required to be designed to AS2890.1.2.4.5.5.

Alternatively, the perimeter/acoustic fencing in these locations shall be designed to withstand the force of vehicles in accordance with the requirements of AS2890.1.2.4.5.5 to which engineering plans shall be provided.

*Reason* – to ensure the protection and safety of children attending the child care centre.

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

(4) **Separate Approval for Use** - A separate development application for the fit out and use of the take away food and drink tenancy shall be provided to, and approved by Council prior to that use commencing (unless the fit out and use is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008).

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

(6) **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:

1. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
2. 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) **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) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.

(9) **Local Traffic Committee Concurrence** - Installation of or changes to regulatory signage, line marking and devices are subject to the concurrence of Council’s Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

These concurrences (as required) must be obtained prior to the installation of or any changes to regulatory signage, line-marking and devices.

(10) **Landscaping and Embellishment Works on Future Public Land** - Prior to the transfer of land to Council’s ownership, all landscaping and embellishment must be inspected and approved by Council.

(11) **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.

(12) **Outdoor Lighting** – The approved development must include lighting in all areas that complies with AS 1158 and AS 4282.

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

(14) **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.

(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.

**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) **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.

(3) **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*.

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

(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 a Construction Certificate the accredited certifier must:

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

(7) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking’ and:

1. the driveway shall comply with Council's Access Driveway Specifications; <https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a-DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf>
2. the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
3. the level for the driveway across the footpath area shall achieve a gradient of 4%; and
4. a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

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

(8) **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.

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

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

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

(11) **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.

(12) **Mechanical Exhaust System** - Mechanical exhaust system(s) shall comply with the BCA and AS 1668 Parts 1 and 2 (including exhaust air quantities and discharge location points). Details demonstrating compliance shall be provided to the accredited certifier.

(13) **Detailed Landscape Plan** - A detailed landscape plan shall be prepared in accordance with Appendix B – Landscape Design Principles of Camden Development Control Plan 2019. The following must be included:

1. Street trees along Anderson Road, and a minimum of 4 x trees to be provided in the front setback of Anderson Road to be incorporated into the landscaping. Species to include Corymbia citriodora, or Corymbia maculata ‘Lowanna’ or Corymbia maculata.
2. Trees to be minimum 2m from driveways.
3. Trees shall be sourced in minimum of 100 litre container stock.
4. Street trees sourced in accordance with the tests and measurements contained within AS2303-2018 – Tree Stock for Landscape Use.
5. 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.
6. 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.
7. Installation of street trees to be in accordance with clause B.2.3, Appendix B of Camden DCP 2019 and 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.

(14) **Amended Plans** - Amended plans prepared by a suitably qualified person must demonstrate the following:

1. Food preparation bench in the kitchen has been located directly to a service/pass through to the dining room. To protect food from the likelihood of contamination at the pass through opening, provision for the closure of this opening shall be installed e.g. pest proofed door/window.
2. Fridge/s (e.g. under bench) to be provided to the bottle preparation room, accessible via playrooms 1 & 2.

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

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

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

(17) **Fire Hydrant Booster Assembly Cabinet** - This development will require an on-site Fire Hydrant booster assembly which is not detailed on the architectural plans. Amended plans are to be prepared that details the Fire Hydrant booster assembly contained within a cabinet that compliments the façade of the building it is to be located in front of and still shall comply with AS 2419.1-2005.

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

(18) **Documentary Evidence** – Prior to the issue of the Construction Certificate documentary evidence shall be provided demonstrating compliance with the requirements Condition 5.0(1) Fill Plan and Condition 5.0(3) Compaction Report of approved DA/2022/81/1 for the *Demolition of existing structures, dewatering and removal of dams, vegetation removal, construction of temporary basin and earthworks/site regrading for future development* Approved on the 20 May 2022.

(19) **Handrail** **Design** – A pedestrian handrail separating the footpath and driveway for the child care centre, shall be designed to prevent vehicle/pedestrian conflict and shall include a non-climbable barrier from finished ground level to a minimum height of 1.2m. The handrail shall extend from the front boundary to proposed carparking space 8. Details shall be provided prior to the issue of the Construction Certificate.

(20) **Child Care Centre Car park Lighting -** The carpark shall have appropriate lighting installed to ensure a high level of visibility is available within the carpark during operational hours.

(21) **Child Care Centre** **Mechanical Heating and Cooling –** All playrooms are required to be fitted with reverse-cycle air-conditioning with appropriate zone control to ensure each room is able to be maintained at temperatures that ensure the safety and wellbeing of children.

The proposed mechanical ventilation to these rooms shall be installed in accordance with Australian Standard and recommendations of the Air Quality Assessment prepared by Zephyr Environmental, Project No: 0058, dated 7 July 2022. Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.

(22) **Turner Road Widening** – Plans demonstrating compliance shall be submitted to Council for approval prior to the issue of the Construction Certificate Application:

1. The minimum pavement width required is 6.5m from the centre line to face of kerb resulting in total carriageway width of 13m.
2. The Kerb and Gutter is required to be 150mm high.
3. Verge width is required to be 3.5m from face of kerb to property boundary.
4. A 1.2m wide concrete pedestrian footpath is required to be demonstrated for the width of the property frontage and shall be designed in accordance with Council Engineering Specifications.
5. A 20m taper/transitions in the road pavement upstream and downstream of the subject property.
6. The thickness of the pavement has to be geotechnical designed for an industrial thick pavement.
7. Cross-fall across the road widening, levels of road and kerb and gutter shall be consistent with the site survey and consistent with existing levels and consistent with adjoining developments.
8. Road drainage design is required to be in accordance with site survey and drainage assessment.
9. Relocation of power pole shall be conducted in accordance with the approval and requirements of Endeavour Energy.

**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) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to [www.sydneywater.com/tapin](http://www.sydneywater.com/tapin) to apply.

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

(2) **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.

(3) **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.

(4) **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:

1. a description of the work to be carried out;
2. the address of the land on which the work is to be carried out;
3. the registered number and date of issue of the relevant development consent;
4. the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
5. the certifier’s registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and
6. a telephone number on which the principal certifier may be contacted for business purposes.

(5) **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:

1. the name and address of the person by whom the notice is being given;
2. a description of the work to be carried out;
3. the address of the land on which the work is to be carried out;
4. the registered number and date of issue of the relevant development consent and construction certificate;
5. a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
6. the date on which the work is intended to commence.

(6) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979,* building or subdivision works approved by this consent shall not commence until the following has been satisfied:

1. a Construction Certificate has been issued by a certifier;
2. a principal certifier has been appointed by the person having benefit of the development consent;
3. if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
4. the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
5. the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

(7) **Construction Noise Management Plan –** A construction noise management plan shall be provided to the principal certifier and include the following:

1. noise mitigation measures;
2. noise and/or vibration monitoring;
3. use of respite periods;
4. complaints handling; and
5. community liaison and consultation.

(8) **Environmental Management Plan** -An environmental management plan (EMP) prepared in accordance with Council’s Engineering Design Specification shall be provided to the principal certifier.

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

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

(9) **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.

(10) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council’s Engineering Specifications and AS 1742.3. The plan must be submitted to the principal certifier.

(11) **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.

(12) **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.

1. 36, 38, 40, 42, 44 and 46 Dunn Road, Smeaton Grange, 55 Anderson Road, Smeaton Grange and 42 Turner Road, Smeaton Grange.

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.

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

(14) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:

1. that unauthorised entry to the work site is prohibited,
2. the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
3. 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.

**4.0 - During Works**

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

(1) **Work Hours** - All work (including delivery of materials) shall be:

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

unless approved in writing by Council.

(2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.

(3) **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:

1. protect and support the building, structure or work on adjoining land from possible damage from the excavation,
2. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation, and
3. 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.

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

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

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

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

(7) **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.

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

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

(9) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: [www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm](http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm))

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

(10) **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.

(11) **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.

(12) **Fill Material (VENM)** - Prior to the importationand/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the principal certifier.

The validation report and associated sampling location plan must:

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

Virgin Excavated Natural Material (VENM):

1. the Department of Land and Water Conservation publication "Site investigation for Urban Salinity;" and
2. the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW."

d) confirm that the fill material;

1. provides no unacceptable risk to human health and the environment;
2. is free of contaminants;
3. has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
4. is suitable for its intended purpose and land use; and
5. has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

e) less than 6000m3 - 3 sampling locations; and

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

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

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

|  |  |  |
| --- | --- | --- |
| **Classification of Fill Material** | **No of Samples Per Volume** | **Volume of Fill (m3)** |
| Virgin Excavated Natural Material | 1(see Note) | 1000or part thereof |

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

(13) **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.

(14) **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).

(15) **Aboriginal Objects Discovered During Works** – If any Aboriginal object (including evidence of habitation or remains) is discovered during the work:

* all excavation or disturbance of the area must stop immediately in that area,
* Heritage NSW must be advised of the discovery in writing in accordance with Section 89A of the *National Parks and Wildlife Act 1974,* and
* any requirements of Heritage NSW must be implemented.

(16) **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 be contacted and conducted a thorough assessment.

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

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

(17) **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 Geotechnical Investigation And Salinity Assessment, Report GG10292.001A, prepared by Green Geotechnics Pty Ltd, dated 3September 2021.

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

1. 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).

1. 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).

1. 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.

**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) **Filter & Recirculation Systems** - Prior to issue of an Occupation Certificate, a certificate of compliance, or other documentary evidence confirming that the proposed recirculation system and filtration system complies with AS1926.3, must be provided to the principal certifier.

(2) **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.

(3) **Compliance with Acoustic Requirements** - Documentary evidence shall be provided to the principal certifier confirming the building/s has been constructed in accordance with the approved acoustic report Acoustic Assessment for Industrial Development, 36 Turner road Smeaton Grange, reference : SYD2021-1611-R001C, prepared by Acouras Consultancy Pty Ltd dated 1 May 2022.

(4) **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*.

(5) **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.

(6) **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.

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

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

(9) **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:

1. the Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipeline s, trench barriers and other structures;
2. the proprietor shall have the facilities inspected annually by a competent person;
3. the Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order the facilities; and
4. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD and OSR, or failure to clean, maintain and repair the OSD and OSR.
5. 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.

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

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

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

(11) **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:

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

(12) **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.

(13) **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.

(14) **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.

(15) **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.

(16) **Acoustic Attenuation Measures** - All acoustic attenuation measures and assessment parameters of the approved acoustic report titled Acoustic Assessment for Industrial Development, 36 Turner road Smeaton Grange, reference : SYD2021-1611-R001C, prepared by Acouras Consultancy Pty Ltd dated 1/5/2022 are to be implemented.

These include:

1. Façade glazing for the Childcare centre and office must achieve a minimum Rw 30 and for the retail & Warehouse it mut achieved an Rw28 in accordance with table 6.
2. The building façade must achieve a minimum Rw45 for external walls, Rw45 for roof and ceiling in offices and Rw35 for rook and ceiling of Warehouse as per table 7.
3. A 2m high wall/balustrade is to be installed around the full perimeter of both the ground floor and level 1 outdoor play areas. The barrier is to be of solid construction and have no gaps as specified in section 3.5 of the report.

Documentary evidence prepared by by a suitably qualified professional shall be provided to the principal certifying authority demonstrating compliance with all required measures as listed above.

**6.0 - Ongoing Use**

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

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

(2) **Storage of goods** - The storage of goods and materials shall be confined within the building. At no time shall goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.

(3) **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*.

(4) **Display of Goods on Footpath** - No goods are to be displayed outside the confines of the building.

(5) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.

(6) **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.

(7) **Hours of Operation** - The property is only to be open for business and used for the purpose approved within the following hours:

|  |  |
| --- | --- |
| **Business Use**  | **Hours of Operation** |
| Child care centre  | 7am to 7pm Monday to Friday |
| Light Industry  | 7am to 6pm Monday to Friday |
| Self Storage Units | 24 hours per day, 7 days per week |

The site shall be secured with the main entry gates to be open between the hours of 7am and 6pm Monday to Friday. Access to the site outside of these hours shall be conducted via swipe card entry. Appropriate documentation shall be kept on site for any access to the site outside of operating hours to ensure the safety of patrons.

The Take Away Food and Drink Premises hours of operation shall be established when the first use application for this development is approved.

(8) **Industrial Uses** - All industrial activity in connection with the use of the subject property is to be wholly confined within the building.

Any approved office space is to be used solely in conjunction with the industrial use of the premises to which it is attached. The separate use or occupation of the approved office space is not permitted by this consent.

The use of the factory unit for retail activities is prohibited.

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

(10) **Department of Education Approval** – The centre must comply with all requirements of the Department of Education. A letter from the Department of Education which details the approved number and age of children to be accommodated at the centre, and any operational conditions, must be submitted to Council prior to the centre becoming operational.

 Should the Department of Education approval be subsequently amended at any time the operator of the centre must submit a copy of the amended approval to Council.

(11) **Number of Children** – The centre is approved to accommodate a maximum of eighty (80) children. However, this maximum number shall be reduced to any lower number of children that is separately approved for the centre by the Department of Education.

(12) **Parking – Signage (Loading docks)** - Proposed parking areas, service bays, truck docks, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/ unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.

(13) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site. The loading dock (if provided) shall be used for loading and unloading operations in connection with the approved use.

(14) **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.

(15) **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.

(16) **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.

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

(18) **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.

(19) **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.

(20) **Supplementary Store Areas** - The use of supplementary storage and/or food handling areas, in addition to any approved food tenancies, is prohibited.

(21) **Waste and Delivery Vehicles** - Waste generated by all Light Industry units are required to be stored within each individual unit. Waste receptacles are not permitted to be stored on common property and not permitted to be presented along Anderson Road or Turner Road for collection.

Waste collection and delivery vehicles to the site shall only occur between the hours of 7.00pm and 6.00am.

Waste receptacles shall be presented in front of associated units for overnight collection.

(22) **Car Parking Allocation –** The 20 carparking spaces approved for the use of the child care centre shall be utilised by staff and customers of the child care centre only. Appropriate signage shall be erected for this car park.