**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** |
| **Architectural Plans – Project Number: 20190004** | | | |
| DA2000 | Cover Page | Scott Carver | Rev: D, Date: 17/03/2023 |
| DA2010 | Site Plan | Rev: E, Date: 23/10/2023 |
| DA2120 | Basement Plan | Rev: K, Date: 23/10/2023 |
| DA2121 | Ground Floor - Part 1 | Rev: J, Date: 23/10/2023 |
| DA2122 | Ground Floor - Part 2 | Rev: L, Date:17/08/2023 |
| DA2123 | Level 1 | Rev: G, Date: 17/03/2023 |
| DA2124 | Mezzanine | Rev: H, Date: 17/03/2023 |
| DA2125 | Level 2 | Rev: H, Date: 17/03/2023 |
| DA2126 | Level 3-5 | Rev: G, Date: 17/03/2023 |
| DA2130 | Roof Plan | Rev: H, Date: 17/03/2023 |
| DA2200 | North and South Elevation | Rev: D, Date: 17/03/2023 |
| DA2201 | East and West Elevation | Rev: D, Date: 17/03/2023 |
| DA2220 | Hotel Sections | Rev: F, Date: 17/03/2023 |
| **Landscape Plans – Project Number: 20190004** | | | |
| LD-DA2000 | Cover Sheet | Scott Carver | Rev: C, Date: 20/04/2023 |
| LD-DA2131 | Ground Floor - Part 1 | Rev: C, Date: 20/04/2023 |
| LD-DA2132 | Ground Floor - Part 2 | Rev: F, Date: 20/04/2023 |
| LD-DA2133 | Hotel Plan - Level 1 | Rev: F, Date: 20/04/2023 |
| LD-DA2231 | Ground Floor - Section 1 | Rev: G, Date: 20/04/2023 |
| LD-DA2232 | Ground Floor - Section 2 | Rev: G, Date: 20/04/2023 |
| **Civil Plans – Project No: 21-000119** | | | |
| C-B-0-00 | Cover Sheet, Locality Plan & Drawing List | Calibre | Rev: C, Date: 05/04/2023 |
| C-B-0-01 | Site Key Plan | Rev: C, Date: 05/04/2023 |
| C-B-1-10 | Erosion & Sediment Control Plan | Rev: C, Date: 05/04/2023 |
| C-B-1-15 | Erosion & Sediment Control Notes & Details | Rev: C, Date: 05/04/2023 |
| C-B-2-01 | General Arrangement Plan Sheet 1 of 3 | Rev: E, Date: 05/04/2023 |
| C-B-2-02 | General Arrangement Plan Sheet 2 of 3 | Rev: F, Date: 23/10/2023 |
| C-B-2-03 | General Arrangement Plan Sheet 3 of 3 | Rev: E, Date: 13/09/2023 |
| C-B-2-04 | General Arrangement Plan Basement Level | Rev: F, Date: 23/10/2023 |
| C-B-2-10 | Driveway Plan and Longitudinal Sections | Rev: B, Date: 23/10/2023 |
| C-B-4-30 | On Site Detention Tank Sheet 1 of 2 | Rev: F, Date: 13/09/2023 |
| C-B-4-32 | On Site Detention Tank Sheet 2 of 2 | Rev: C, Date: 05/04/2023 |
| C-B-4-40 | Stormwater Drainage Pit Details | Rev: C, Date: 05/04/2023 |
| C-B-4-60 | Stormwater Drainage Catchment Plan | Rev: D, Date: 05/04/2023 |
| **Hydraulic Plans – Job No: 20210009** | | | |
| SW-000 | Cover Sheet, Notes and Legend | Intrax Projects | Issue: 04, Date: 21/04/2023 |
| SW-100 | Basement Inground Stormwater Services Plan | Issue: 04, Date: 21/04/2023 |
| SW-101 | Basement Stormwater Services Plan | Issue: 04, Date: 21/04/2023 |
| SW-102 | Ground Floor Carpark Driveway Stormwater Services Plan | Issue: 04, Date: 21/04/2023 |
| SW-103 | Ground Floor Stormwater Services Plan | Issue: 04, Date: 21/04/2023 |
| SW-104 | Level 1 Stormwater Services Plan | Issue: 04, Date: 21/04/2023 |
| SW-105 | Mezzanine Stormwater Services Plan | Issue: 04, Date: 21/04/2023 |
| SW-106 | Level 3-4 Stormwater Services Plan | Issue: 04, Date: 21/04/2023 |
| SW-107 | Level 5 Stormwater Services Plan | Issue: 04, Date: 21/04/2023 |
| SW-108 | Roof Stormwater Services Plan | Issue: 04, Date: 21/04/2023 |
| SW-109 | Level 2 Stormwater Services Plan | Issue: 01, Date: 21/04/2023 |

|  |  |  |
| --- | --- | --- |
| **Document Title** | **Prepared by** | **Date** |
| Demolition & Construction Waste Management Plan: Oran Park Stage 3B | Wasteaudit | April 2023 |
| Operational Waste  Management Plan: Oran Park Stage 3B | Wasteaudit | August 2023 |
| DA Acoustic Assessment Oran Park Podium Stage 3B Hotel | Acoustic Logic | 24 April 2023 |
| BCA 2022 Assessment Report  Report, Ref: 2021/0459B R1.2 | Steve Watsons  and Partners | May 2023 |
| Access Report, Ref: 22044 – R1.5 | Code Performance | May 2023 |
| Stormwater Management Report  Oran Park Podium – 3B | Calibre | August 2023 |
| Report on Salinity Management Plan: proposed Residential and Commercial Subdivision Tranche 20 and Tranche 29 Oran Park, Project 34272.91. | Douglas Partners | March 2014 |

(2) **Approved Uses** - This development consent approves the following parts of the development to be used for the following purposes as defined within the standard instrument set out in the Standard Instrument (Local Environmental Plans) Order 2006

| **Part of the Development** | **Approved Use** |
| --- | --- |
| Tenancies labelled as ‘Food Retail’ on the approved architectural plans. | Retail premises / Food and drink premises |
| Tenancies labelled as ‘Speciality Retail’ on the approved architectural plans. | Retail premises |
| Levels 1-6 on the approved architectural plans. | Hotel or motel accommodation |

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

A separate development application for the fit out of each tenancy with an approved use must be provided to and approved by Council prior to the use of that tenancy commencing operations (unless the fit out is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008).

(3) **National Construction Code - Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA as in force on the relevant date. In this condition the relevant date has the same meaning as in section 19 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

(4) **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.

(5) **Swimming Pools and Spas** - The swimming pool shall comply with:

1. the *Swimming Pools Act 1992;*
2. the Swimming Pools Regulation 2018;
3. AS 1926.1-2012 Swimming pool safety, Part 1: Safety barriers for swimming pools;
4. AS/NZS 3500.2-2021 Plumbing and drainage, Part 2: Sanitary plumbing and drainage;
5. AS1926.3-2010 Swimming pool safety, Part 3: Water recirculation systems; and
6. the BCA.

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

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

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

1. Doors into Electrical Meter Rooms, to have approved Power Company locks and doors to be kept locked at all times.
2. A closed circuit television system (CCTV) which complies with the Australian Standard – Closed Circuit Television System (CCTV) AS4806:2006 needs to be implemented to receive, hold or process data for the identification of people involved in anti-social or criminal behaviour. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation. This system should consist of surveillance cameras strategically located in and around the development to provide maximum surveillance coverage of the area, particularly in areas which are difficult to supervise.
3. Effective lighting to be installed in and around the car parking areas as well as the public / private areas internal and external.

(9) **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*.

(10) **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.

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

(12) **Voluntary Planning Agreement**- The proposed development shall be carried out in accordance with the Voluntary Planning Agreement: Oran Park Urban Release Planning Agreement – Third Deed of Variation – Executed 22 September 2020.

**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:

1. Amended Hydraulic Plans shall be provided to reflect the subsoil drainage requirements of the retaining wall locations shown on the approved Engineering Plans.
2. Amended plans shall be provided confirming minimum overhead clearance for carparking areas and other vehicle accessible locations comply with the requirements of AS2890.1 and AS2890.2 as appropriate.
3. Amended plans shall be providing showing dimensions of the parking space and side clearance to vertical obstructions for the small car space sandwiched between two walls on the basement level (clouded on approved architectural plans). If these dimensions cannot comply with the requirements of AS2890.1 then the parking space shall be removed.
4. Amended plans shall be provided adjusting the layout of the three parking spaces in the north-west corner of the ground floor fronting Stage 3A (clouded on approved architectural plans) to ensure pillars are located outside of the AS2890.1 Figure 5.2 design envelope clearance zones for parking spaces.

(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:

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.

(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) **Water Quality Measures** - All surface water must be collected and directed to an on-site disposal system incorporating silt and oil arrestor (for treatment of hydrocarbons). Details of water quality measures must be shown on the engineering plans.

(8) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with ‘Managing Urban Stormwater – Soils and Construction (‘the blue book’). Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.

(9) **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*.

(10) **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.

(11) **Car Park Noise Control** – All off-street (including basement) car parks must be finished with Slabseal 2000 SR sealant (or similar equivalent product) applied to the concrete floor. The 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) **Acoustic Treatment for Mechanical Plant and Equipment** – Mechanical plant and equipment should not be operated to exceed the (below) report referenced noise levels and must be acoustically treated consistent with “Section 5.4.2 – Preliminary Mechanical Treatment Advice” and “Figure 2” in the report *“DA Acoustic Assessment Oran Park Podium Stage 3B Hotel, Prepared by Acoustic Logic, Dated 24 April 2023.”*

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

(13) **Mechanical Plant Selection and Control** – Mechanical plant selection and its operation should not exceed the following noise criteria when measured at:

1. Future residential tower (podium stage 2) of the development:

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

1. Stage 3A childcare Centre active areas (when in use):

* Day 53 dB(A) (LAeq, 15min);
* Evening 53 dB(A) (LAeq,15min);
* Night 53 dB(A) (LAeq,15min); and

1. Nearest Surround Commercial businesses:

* Day / Evening/ night 63 dB(A) (LAeq, 15min)

All plant must be suitably located on site and screened with suitable acoustic materials (where necessary) to meet the criteria. Selection of suitable mechanical plant must be undertaken with the involvement of a suitably qualified acoustic consultant.

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

(14) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Appendix B of Camden Development Control Plan 2019 and the adopted Town Centre Public Domain Manual (the adopted Town Centre Public Domain Manual shall prevail to the extent of any inconsistency). Details demonstrating compliance must be provided to the certifier.

The detailed landscape plan must also include:

* All trees to be minimum 100 litre container size.
* Trees must be True to type, healthy and free from any active pests or diseases, the crown is to be symmetrical and has not suffered any significant injury that will impact growth habit.
* Trees must have a clean stem height that is less than 40% of total tree height and that branches are smaller than the stem.
* Trees to be sourced in accordance with tests and measurements contained within AS2303-2018 – Tree Stock for Landscape Use.
* Landscaping shall incorporate relevant ESD and WSUD principals (such as Treenet Inlet or similar).

(15) **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.

(16) **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 fit-out of food premises

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

(17) **Regulated System** - The regulated system (cooling tower) shall be designed and installed in accordance with the relevant provisions of:

1. *Public Health Act 2010*;
2. the *Public Health Regulation 2022*;
3. AS/NZS 3666;
4. AS 1470 and AS 1657;
5. AS/NZS 1892.1 and 2865; and
6. relevant provisions for safe access in accordance with Workcover – Code of Practice for Safe Work on Roofs Part 1: Commercial and Industrial Buildings.

Plans and Specifications for the design, installation, operation and maintenance of the regulated system(s), including details on the locations of all plant and equipment, shall be provided to the accredited certifier with the Construction Certificate application. It is acknowledged that the regulated systems may be located on an adjoining lot and building (shopping centre roof).

(18) **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.

In addition, mechanical exhaust systems for food premises using barbeque, charcoal or wood fired appliances require specialist exhaust treatment. Details of the proposed system if filtration and exhaust treatment must demonstrate compliance with the standards set out in the Local Government Air Quality Toolkit, Ai Quality Guidance notes – Food Outlets, produced by NSW EPA and the standards of concentration in the Protection of the Environment Operations (Clean Air) Regulation 2022. Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.

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

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

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

(20) **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 [SIContributions@planning.nsw.gov.au](mailto:SIContributions@planning.nsw.gov.au).

(21) **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.

(22) **Long Service Levy** - In accordance with 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. This applies to building and construction works with a cost of $250,000 or more.

**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:

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.

(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:

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

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

1. a Construction Certificate has been issued by a 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.

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

1. that unauthorised entry to the work site is prohibited,
2. the name of the principal contractor, 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.

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

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

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

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

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

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

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

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

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

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

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

(13) **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.

(14) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

The protection methods for existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation during all works approved by this development consent shall be installed in accordance with AS 4970-2009 Protection of Trees on Development Sites.

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

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

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

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

(5) **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*.

(6) **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.

(7) **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.

(8) **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.

(9) **Swimming Pool Construction Sign** – A sign must be erected and maintained that:

* + bears a notice containing the words ‘This swimming pool is not to be occupied or used’,
  + is located in a prominent position in the immediate vicinity of the swimming pool, and
  + continues to be erected and maintained until a relevant occupation certificate or a certificate of compliance has been issued for the swimming pool.

(10) **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.

(11) **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.

(12) **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.

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

(14) **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.

(15) **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.

(16) **Noise During Work** - Noise levels emitted during works must comply with the NSW Environment Protection Authority Interim Construction Noise Guidelines.

(17) **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.

(18) **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.

(19) **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.

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

The assessment report and associated sampling location plan must:

1. be prepared by a contaminated land specialist; 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 (Third Edition) - Soil Investigation Levels for Urban Development Sites in NSW."

d) confirm that the fill material;

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

Sampling of VENM for salinity of fill volumes:

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

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

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

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

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

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

(21) **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.

(22) **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).

(23) **Air Quality** – Vehicles and equipment used on site must be maintained in good working order and be switched off when not operating. The burning of any waste material is prohibited.

(24) **Construction Waste Management Plan/s** - *The “Demolition & Construction Waste Management Plan: Oran Park Stage 3B, Prepared by Wasteaudit, Dated April 2023”* (or similar plan) is to be provided and followed to manage all waste generated from all construction activities.

(25) **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.

(26) **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.

(27) **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 Residential and Commercial Subdivision Tranche 20 and Tranche 29 Oran Park, Prepared by Douglas Partners, Project 34272.91, Dated March 2014.”*

(28) **Relics Discovery During Works** – If any relic surviving from the past is uncovered during the work that could have historical significance (but is not an aboriginal object):

* all work must stop immediately in that area;
* Heritage NSW must be advised of the discovery in writing in accordance with Section 146 of the *Heritage Act 1977,* and
* any requirements of Heritage NSW must be implemented.

(29) **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.

**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) **Modification of Development Consent DA/2019/497/1** - The applicant must modify Development Consent DA/2019/497/1 in accordance with the *Environmental Planning and Assessment Regulation 2021*. The Development Consent must be modified as follows:

1. Amend levels, parking bays and kerb layouts on Podium Way to match the interface proposed by the subject development.

(2) **Modification of Development Consent DA/2018/1223/1** - The applicant must modify Development Consent DA/2018/1507/1 in accordance with the *Environmental Planning and Assessment Regulation 2021*. The Development Consent must be modified as follows:

1. Amend acoustic attenuation treatments in response to the increased noise generated by the subject development.

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

(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) **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.

(7) **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.

(8) **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.

(9) **Swimming Pool Register** - In accordance with Part 3A of the *Swimming Pools Act 1992* all swimming pools (including spas) are required to be registered on the NSW Swimming Pools Register. You can register your Swimming Pool online at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au)

Prior to the issue of any occupation certificate you are required to provide evidence in the form of the Certificate of Registration to the principal certifier.

(10) **Warning Notice** - A warning notice complying with the provisions of Clause 10 of the Swimming Pools Regulation 2018, must be displayed and maintained in a prominent position in the immediate vicinity of the swimming pool, in accordance with Section 17 of the *Swimming Pools Act 1992*.

The principal certifier shall ensure that this warning notice is provided and displayed prior to the issue of the Occupation Certificate.

Council also recommends that all owners and/or users of swimming pools obtain a copy of the ‘Cardiopulmonary Resuscitation Guideline’ known as “Guideline 8: Cardiopulmonary Resuscitation (CPR)” published in April 2021 by the Australian Resuscitation Council (available through [www.resus.org.au](http://www.resus.org.au)).

(11) **Swimming Pool Landscaping** - Landscaping of the swimming pool enclosure and surrounds including the provision of outdoor furniture, construction of barbecues and pergolas must not reduce the effectiveness of the swimming pool safety fencing. All landscaping, excluding low height soft planting, furniture, and other similar structures shall be located at least 900mm from the outside of the pool safety fencing.

(12) **Swimming Pool Barrier Certification** – Certification from the supplier of the swimming pool barrier is to be submitted to the principal certifier. The certification must state that the swimming pool barrier materials comply with the applicable Australian Standards.

(13) **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.

(14) **Works as Executed Plans - OSD/On Site Retention/Water Quality Facility** - Before the issue of an occupation certificate, works as executed plans in accordance with Council’s engineering specifications must be prepared by a suitably qualified person and demonstrate, to the principal certifier’s satisfaction, that any water management basins have been completed in accordance with the approved plans and provide the following details:

1. Levels and dimensions to verify the storage volume of any water management facilities.
2. Levels and other relevant dimensions of:
3. Internal drainage pipes.
4. Orifice plates.
5. Outlet control devices and pits.
6. Weirs (including widths).
7. Verification that the orifice plates have been fitted and the diameter of the fitted plates.
8. Verification that trash screens are installed.

(15) **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.

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.

(16) **Stormwater – Plan of Management (POM)** - The registered proprietor of the land shall prepare a Plan of Management (POM) for the on-site detention facilities. The POM shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements, and time intervals for such inspection and maintenance. The POM shall be provided to the principal certifier for approval.

(17) **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.

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

(19) **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.

(20) **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.

(21) **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.

(22) **Acoustic Compliance Report** - An acoustic assessment report based on noise monitoring of the operation of all mechanical plant and equipment on the site must be submitted to Camden Council (Consent Authority) prior to the issue of an occupation certificate for the building. The monitoring shall be undertaken by a qualified acoustic consultant to demonstrate compliance with the following:

1. Mechanical plant noise complies with:

When measure at the future residential tower (podium stage 2) opposite Podium Way:

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

When measure at (Stage 3A) Childcare Centre active areas (when in use):

* Day 53 dB(A) (LAeq, 15min);
* Evening 53 dB(A) (LAeq,15min);
* Night 53 dB(A) (LAeq,15min); and

When measured at the nearest noise impacted commercial business:

* Day / Evening/ night 63 dB(A) (LAeq, 15min)

1. Materials and Mitigation Controls

That all noise attenuation materials and structures used for the mitigation / control of noise is constructed and compliant with the conditions of the consent.

For any non-compliance, the acoustic compliance report must include recommendations for compliance and these recommendations will be enforced by Council at the cost of the owner / occupier. An application pursuant to Section 4.55 ‘Modification’` of the EP&A Act for the modification of the development consent must be submitted to the consent authority (Camden Council) for determination, with the recommended amendments to be implemented following Council Consent.

(23) **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.

(24) **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.

(25) **Landscape Certification** – Certification is to be provided to the Principal Certifying Authority (PCA) from the designer of the landscape plan that all tree planting/landscape works have been carried out in accordance with the Council endorsed landscape plan. If Council **is** the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection.

(26) **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.

(27) **Regulated System** - Evidence of commissioning of the regulated system is to be provided by a suitably qualified person in accordance with the *Public Health Act 2010*, the *Public Health Regulation 2022* and AS/NZS 3666. A detailed report from the person who commissioned the regulated system is to be provided to the principal certifier.

The owner or occupier of the premises shall apply to Council to notify the regulated system. Council is to conduct an inspection of the completed fit out.

(28) **Public Swimming Pool/Spa Pool** - The owner or occupier of the premises shall apply to Council to register the Public Swimming Pool. Council is to conduct an inspection of the completed fit out.

(29) **Storage Of Waste Oil** - The premises shall container adequate holding facilities for the reception of waste cooking oil and a contract for the recycling/disposal of this oil shall be provided to the principal certifier.

The storage area for the holding of waste cooking oil shall be graded and drained to sewer and provided with a tap, hot and cold water for washing.

(30) **Rainwater Harvesting and Tanks** – For the purpose of harvesting rainwater for reuse on site, only rain water captured from the roof catchment is allowed to be reused to flush toilets / urinals, supply cooling towers, and water gardens (if non-potable water is preferred).

The proposed use of rainwater must comply fully with “*Australian Guidelines for Water Recycling: Managing Health and Environmental Risks  (Phase 2) Stormwater Harvesting and Re-use, July 2009”,* andin particular with “Section 2 – Roofwater Reuse”.

Prior to the issue of an Occupation Certificate, a detailed operation and procedure manual shall be developed and submitted to the principle certifying authority detailing the rainwater harvesting system and identifying specific risk areas and treatments. It is mandatory to address the requirements of “Table 2.1 – Inspection and Maintenance of Roofwater Reuse Systems” of “Section 2 – Application of standard approach” within the “*Australian Guidelines for Water Recycling: Managing Health and Environmental Risks  (Phase 2) Stormwater Harvesting and Re-use, July 2009,”* that includes identification of who shall carry out inspections and when, details of emergency shutdown procedures, and the conducting of periodic testing to ensure water quality.

**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:

|  |  |
| --- | --- |
| **Ground Floor Retail Premises / Food and Drink Premises** | |
| **Day** | **Hours of Operation** |
| Monday | 7.00am to midnight |
| Tuesday | 7.00am to midnight |
| Wednesday | 7.00am to midnight |
| Thursday | 7.00am to midnight |
| Friday | 7.00am to midnight |
| Saturday | 7.00am to midnight |
| Sunday and Public Holidays | 7.00am to midnight |

|  |  |
| --- | --- |
| **Hotel** | |
| **Day** | **Hours of Operation** |
| Monday | 6.00am to 2.00am |
| Tuesday | 6.00am to 2.00am |
| Wednesday | 6.00am to 2.00am |
| Thursday | 6.00am to 2.00am |
| Friday | 6.00am to 2.00am |
| Saturday | 6.00am to 2.00am |
| Sunday and Public Holidays | 6.00am to midnight |

Note: Hotel rooms and services essential to the occupation of the rooms may operate 24 hours a day / 7 days a week.

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

(5) **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.

(6) **Approved Signage Maintenance** - The approved signs shall be maintained in a presentable and satisfactory state of repair. Where illumination has been approved, the level of illumination and/or lighting intensity used to illuminate the sign/s shall comply with AS 1158 and AS 4282.

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

(8) **Parking Areas to be Kept Clear** - At all times, the loading docks, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.

(9) **Swimming Pool Water Health Standards** - To maintain hygienic conditions, the swimming pool must be maintained in a clean and healthy condition at all times. For this purpose the following health standards must be maintained:

Temperature

The temperature of the water must not exceed 38°C.

Chlorine Disinfected Pools

1. Except as provided by subsection (2), the concentration of free available chlorine in the water in a chlorine disinfected pool must be equal to or greater than the following:

(a)  for an outdoor public swimming pool—1.0 mg/L,

(b)  for an outdoor public swimming pool in which cyanuric acid is used—

3.0 mg/L,

(c)  for an indoor swimming pool—2.0 mg/L, or

(d)  for a spa pool—2.0 mg/L.

(2)  The concentration of free available chlorine in the water in a chlorine

disinfected pool in which the water has a pH level greater than 7.6 must be equal to or greater than the following—

1. for an outdoor public swimming pool—2.0 mg/L, or
2. for an outdoor public swimming pool in which cyanuric acid is used—4.0 mg/L, or
3. for an indoor swimming pool—3.0 mg/L, or

(d)  for a spa pool—3.0 mg/L.

1. The concentration of combined chlorine in the water in a chlorine

disinfected pool must not exceed 1.0 mg/L.

1. The total chlorine level of the water in a chlorine disinfected pool must not exceed 10.0 mg/L.

Bromine Disinfected Pools

1. The concentration of bromine in the water in a bromine disinfected pool must be equal to or greater than the following—
2. for an outdoor public swimming pool—2.25 mg/L,
3. for an indoor swimming pool—4.5 mg/L, or

(c)  for a spa pool—4.5 mg/L.

1. The concentration of bromine in the water in a bromine disinfected pool

must not exceed 9.0 mg/L.

pH Level

The pH level of the water must be—

1. for a chlorine disinfected pool—between 7.0 and 7.8, or

(b)  for a bromine disinfected pool—between 7.0 and 8.0.

Alkalinity

The alkalinity of the water must be between 80 mg/L and 200 mg/L.

Ozone

Ozone may be used in the circulation system of a pool but must not be present in the pool.

Cyanuric Acid—Outdoor Chlorine Disinfected Pools

Cyanuric acid may only be used in an outdoor chlorine disinfected pool and must not be used in a spa pool and the concentration must not exceed 50 mg/L.

(10) **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.

(11) **Chemical Bunding** - All chemicals and other liquids shall be stored in approved receptacles, which shall be housed in a suitably constructed, covered, impervious bunded area. The bunded area shall be constructed of impervious material and being able to effectively store a minimum of 110% of the volume of the largest container stalled or 25% of total volume of the stored product for facilities storing small containers.

A dedicated bund, drained to sewer shall be provided in the swimming pool plant room for the washing of cartridge filters.

(12) **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.

(13) **Music / Patron Control for Dining Including Outdoors** – The playing of music before midnight in restaurants and outdoor dining areas is restricted to no more than 70 dB(A) L10 spatially averaged sound pressure level. After midnight, music is restricted to 70 dB(A) L10 sound pressure level for indoor play only, all outdoor dining areas are closed, operable facades are to be closed and entry doors to patron areas remain closed except when required for ingress/egress. .

(14) **Mezzanine Pool Deck Restriction** – Before midnight a limit of 100 patrons can occupy the Level 1 pool deck and after midnight this is limited to only 60 patrons.

(15) **External Dining Patron Restrictions** – Prior to midnight outdoor external dining on level 1 is limited to 80 patrons and for the ground floor a limit of 68 patrons. After midnight, all external dining areas are to be closed.

(16) **Noise from licenced premises** – Noise emissions from the licensed premises shall comply with the following:

1. The LA10,15min\* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and 12:00 midnight at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
2. The LA10,15min\* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
3. The LA10,15min\* noise level emitted from the licensed premises when measured inside a habitable room of a residential premises between 12.00 midnight and 7am should not give rise to a measurable increase above the ambient level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) in the absence of noise emitted from the licensed premises.

\*For the purposes of this condition, LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.

(17) **Building Internal Noise Levels** - For building internal commercial spaces, the internal noise levels are to be compliant with the “design sound level” as listed in ‘AS/NZS2107:2016 – Acoustics – Recommended design Sound Levels and Reverberation Times For Building Interiors.

(18) **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.

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

(20) **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.

(21) **Waste Water Treatment Devices** - All wastewater treatment devices (including drainage systems, sumps, traps and pumps) shall be regularly maintained in good working order to ensure that they remain effective. A maintenance schedule shall be developed and incorporated into a Plan of Management (PoM) and kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device shall be disposed of in accordance with relevant environmental protection and waste control legislation.

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

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

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

1. Is readily accessible; and
2. Can accurately measure the temperature of potentially hazardous food to +/-1oC.

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

(23) **Public Swimming Pool/Spa Pool** - The public swimming pool shall be operated and maintained in accordance with the *Public Health Regulation 2022* and NSW Health Guidelines.

(24) **Regulated System** - The regulated system shall be operated and maintained in accordance with the *Public Health Act 2010* and the *Public Health Regulation 2022*.