**General Conditions**

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| 1 | **A. Approved plans and documents** |
| Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this development consent expressly requires otherwise:   | Approved Plans | | | | | | --- | --- | --- | --- | --- | | Plan number | Revision number | Plan title | Drawn by | Date of plan | |  |  |  |  |  | | DA1001 | 15 | Site plan | AJC Architects | 23/02/2024 | | DA2001 | 18 | Basement 3 plan | AJC Architects | 23/02/2024 | | DA2002 | 18 | Basement 2 plan | AJC Architects | 23/02/2024 | | DA2003 | 19 | Basement 1 plan | AJC Architects | 23/02/2024 | | DA2100 | 22 | Ground level plan | AJC Architects | 23/02/2024 | | DA2101 | 17 | Level 1 plan | AJC Architects | 23/02/2024 | | DA2102 | 16 | Level 2 plan | AJC Architects | 23/02/2024 | | DA2103 | 17 | Level 3 plan | AJC Architects | 23/02/2024 | | DA2104 | 16 | Level 4 plan | AJC Architects | 23/02/2024 | | DA2105 | 16 | Level 5 plan | AJC Architects | 23/02/2024 | | DA2106 | 18 | Level 6 plan | AJC Architects | 23/02/2024 | | DA2107 | 18 | Roof plan | AJC Architects | 23/02/2024 | | DA3101 | 14 | North & south elevation | AJC Architects | 23/02/2024 | | DA3102 | 14 | East elevation | AJC Architects | 23/02/2024 | | DA3103 | 12 | West elevation | AJC Architects | 11/08/2023 | | DA3201 | 13 | Sections sheet 1 | AJC Architects | 23/02/2024 | | DA3202 | 12 | Sections sheet 2 | AJC Architects | 23/02/2024 | | DA3501 | 2 | Staging diagram | AJC Architects | 23/02/2024 | | DA3601 | 1 | Substation – floor plan section and 3d view | AJC Architects | 26/02/2024 | | 22C28\_DA\_C101 | 08 | Detail plan – ground floor | Henry and Hymas | 08/11/2023 | | 22C28\_DA\_BE01 | 01 | Bulk earthworks cut and fill plan | Henry and Hymas | 28/06/2023 | | 22C28\_DA\_BE02 | 01 | Bulk earthworks sections sheet 1 of 2 | Henry and Hymas | 28/06/2023 | | 22C28\_DA\_BE03 | 01 | Bulk earthworks sections sheet 2 of 2 | Henry and Hymas | 28/06/2023 | | 22C28\_DA\_C100 | 03 | General arrangement plan | Henry and Hymas | 14/07/2023 | | 22C28\_DA\_C110 | 02 | Road long section | Henry and Hymas | 04/08/2023 | | 22C28\_DA\_C120 | 02 | Site cross sections | Henry and Hymas | 04/08/2023 | | 22C28\_DA\_C200 | 02 | Stormwater miscellaneous detail and pit lid schedule | Henry and Hymas | 28/06/2023 | | 22C28\_DA\_C201 | 04 | OSD tank 1 plan, sections and details sheet 1 of 2 | Henry and Hymas | 08/11/2023 | | 22C28\_DA\_C202 | 01 | OSD tank 1 plan, sections and details sheet 2 of 2 | Henry and Hymas | 28/06/2023 | | 22C28\_DA\_C203 | 06 | OSD tank 2 plan, sections and details sheet 1 of 2 | Henry and Hymas | 08/11/2023 | | 22C28\_DA\_C204 | 03 | OSD tank 2 plan, sections and details sheet 2 of 2 | Henry and Hymas | 08/11/2023 | | 22C28\_DA\_C250 | 05 | Post stormwater catchment plan | Henry and Hymas | 25/01/2024 | | 22C28\_DA\_C251 | 01 | Pre stormwater catchment plan | Henry and Hymas | 28/06/2023 | | 22C28\_DA\_SE01 | 03 | Sediment and erosion control plan | Henry and Hymas | 04/08/2023 | | 22C28\_DA\_CSE02 | 03 | Sediment and erosion control typical details | Henry and Hymas | 04/08/2023 | | LD-DA100 | 4 | Site plan | Architectus | 26/02/2024 | | LD-DA101 | 4 | General arrangement plan 1 | Architectus | 26/02/2024 | | LD-DA102 | 4 | General arrangement plan 2 | Architectus | 26/02/2024 | | LD-DA103 | 4 | General arrangement plan 3 | Architectus | 26/02/2024 | | LD-DA104 | 4 | General arrangement plan 4 | Architectus | 26/02/2024 | | LD-DA105 | 4 | General arrangement plan 5 | Architectus | 26/02/2024 | | LD-DA106 | 4 | General arrangement plan 6 | Architectus | 26/02/2024 | | LD-DA110 | 4 | Commercial 3 level 6 rooftop | Architectus | 26/02/2024 | | LD-DA120 | 4 | Typical hardworks details | Architectus | 26/02/2024 | | LD-DA211 | 2 | Public domain plan 1 | Architectus | 25/01/2024 | | LD-DA213 | 3 | Public domain plan 3 | Architectus | 25/01/2024 | | LD-DA214 | 3 | Public domain plan 4 | Architectus | 25/01/2024 | | LD-DA215 | 1 | Public domain plan 4 | Architectus | 25/01/2024 | | LD-DA201 | 2 | Material schedule | Architectus | 25/01/2024 | | P-25 | 0 | Indicative planting palette | Architectus | 18/07/2023 | | P-24 | 0 | Indicative planting palette | Architectus | Undated | | P22 | 0 | Ground floor materials and finishes | Architectus | Undated | | P23 | 0 | Rooftop materials and finishes | Architectus | 18/07/2023 |  |  |  |  |  | | --- | --- | --- | --- | | Approved Documents | | | | | Document title | Version number | Prepared by | Date of document | | Report on Management Plan Proposed Residential and Commercial Subdivision Tranche 20 and Tranche 29 Oran Park, prepared by Douglas Partners, project 34272.91 | 0 | Douglas Partners | 03/2014 | | Acoustic DA Assessment Commercial Tower 3 and 4 Corner of Peter Brock Drive and South Circuit Oran Park, Ref S-R2023087700 | 00 | Thermal Environmental | 17/08/2023 |   In the event of any inconsistency between the approved plans/documents and a condition of this development consent, the condition prevails. |
| **Condition reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development |
| 2 | **A. Authority requirements** |
| The development must be carried out in accordance with the following authority requirements:   1. Transport for NSW, Ref SYD23/01164/01, dated 31 October 2023. 2. Endeavour Energy, Ref CNR-61205, dated 15 October 2023. 3. Sydney Water, Ref 206533, dated 09 November 2023. |
| **Condition reason:** To ensure the development complies with Authority requirements |
| 3 | **A. No fit out approved** |
| This development consent does not approve the fit out of the approved buildings referred as Commercial building 3 and 4. A separate development application must be lodged with and approved by Council before any fit out commences (unless the fit out is exempt or complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008). |
| **Condition reason:** To clarify when separate consent is required for the fit out of approved buildings and tenancies |
| 4 | **A. Colours, materials and finishes** |
| The approved development is to incorporate only colours, materials and finishes as shown on the approved plans and documents. |
| **Condition reason:** To ensure colours, materials and finishes are retained throughout the construction of the development |
| 5 | **A. Approved development stages and sequence** |
| The development must be carried out in the stages shown on approved plan titled "staging diagram, ref DA3501, rev 2", dated 23/02/2024. |
| **Condition reason:** To detail the approved staging and sequencing for the development |
| 6 | **O. Voluntary planning agreement** |
| The proposed development shall be carried out in accordance with the Voluntary Planning Agreement executed between Council and Oran Park Urban Release Planning Agreement – Third Deed of Variation - Executed 22 September 2020. |
| **Condition reason:** To ensure the approved development is carried out in accordance with the current VPA |
| 7 | **A. Approved use** |
| This development consent approves the use of the approved building as an office premises.  A separate development application must be lodged with and approved by Council before any other use commences (unless the use is exempt or complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008). |
| **Condition reason:** To clarify when separate consent is required for the use of the approved buildings and future tenancies |
| 8 | **A. Public domain works** |
| The existing footpath located along the northern verge of Peter Brock Drive as shown by approved plan titled "public domain plan 3 ref LD-DA214, Rev 3", dated 25/01/2024, shall be upgraded in accordance with the provisions of the Oran Park Precinct Development Control Plan Attachment A – Public Domain Manual. |
| **Condition reason:** To ensure the footpath is upgraded as envisaged by the public domain manual |

**Before issue of a construction certificate**

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| 9 | **A. Design amendments** |
| Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:   1. Where the private road is within the future Council verge, the longitudinal grade must be 4% (or if less, to the satisfaction of Council). 2. OSD tank interfaces (both OSD 1 and 2) to future existing stubs from Road 01 must be coordinated to ensure invert levels match. 3. Invert levels and pit depth must be coordinated for the proposed 375mm diameter pipe from the Private Road connecting to future existing pit in Road 01. 4. OSD tank detail must be updated to be consistent with the approved engineering plans, noting that a minimum 375mm diameter RCP pipe is required within the public land. 5. Amended plans must be prepared and provided which details the location of the fire hydrant booster assembly. This must be contained in a cabinet that both compliments the architectural merit of the commercial building(s) façade and meets the requirements of Australian Standard AS2419.1-2021. 6. Approved plans titled “Public domain plan 1, ref LD-DA211, Rev 2” and "Public domain plan 3, ref LD-DA213, Rev 3", dated 25/01/2024 must be amended so that public domain works shown beyond the approved (but unregistered) northern and western boundaries of 4 and, the northern boundary of lot 10 do not overlap with those approved by DA/2023/631/1. Works shown beyond the site boundary in the above-mentioned plans are not approved and must be removed. |
| **Condition reason:** To require minor amendments to the plans endorsed by the consent authority following assessment of the development |
| 10 | **A. Driveway design** |
| Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that the approved driveway(s) will comply with AS 2890.1 -  Parking Facilities and Council's Access Driveway Specifications or Heavy Duty Industrial Commercial Vehicle Crossing (as applicable to the development). A driveway crossing approval must be obtained from Council before the issue of a construction certificate. Evidence of the approval must be provided to the certifier. |
| **Condition reason:** To ensure that driveways are designed to appropriate standards. |
| 11 | **A. Fibre-ready facilities and telecommunications infrastructure** |
| Before the issue of a construction certificate, written evidence from the carrier must be obtained that demonstrates, to the certifier's satisfaction, that 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. Written confirmation that the carrier is satisfied that the fibre ready facilities are fit for purpose is also required. 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. |
| **Condition reason:** To ensure fibre-ready telecommunications facilities are installed for new development |
| 12 | **A. Glass reflectivity index** |
| Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that the glass reflectivity index for all glass used externally will not exceed 20%. |
| **Condition reason:** To ensure that all glass used externally has a reasonable maximum level of reflectivity |
| 13 | **A. Long service levy** |
| Before the issue of a construction certificate, the long service levy must be paid at the prescribed rate to either the Long Service Payments Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986.*This applies to building and construction works with a cost of $250,000 or more. Evidence of the payment must be provided to the certifier. |
| **Condition reason:** To ensure the long service levy is paid |
| 14 | **A. Outdoor lighting provision** |
| Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that the development will be provided with lighting in all outdoor areas that complies with AS 4282 - The Control of Obtrusive Effects of Outdoor Lighting and AS 1158 - Lighting for Roads and Public Spaces. |
| **Condition reason:** To ensure the provision of lighting in accordance with industry standards and to protect the amenity of the surrounding area |
| 15 | **A. Public infrastructure alterations** |
| Before the issue of a construction certificate, any required alterations to public infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlets, service provider pits, street trees or any other public infrastructure) must be approved by the roads authority under the Roads Act 1993. Any costs incurred will be borne by the developer. Evidence of the approval must be provided to the certifier. |
| **Condition reason:** To clarify the timing and need for approval under the Roads Act 1993 |
| 16 | **E. Civil engineering plans and information** |
| Before the issue of a construction certificate, civil engineering plans and information must be prepared by a suitably qualified civil engineer, to the satisfaction of the certifier. The plans and information must include the following elements:   1. Erosion and sediment control measures, including compliance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the blue book) (as amended from time to time). 2. Earthworks. 3. Water quantity and quality facilities:    1. A detailed on-site detention and water quality report.    2. An electronic stormwater model.    3. A validated Camden Council MUSIC-link report with electronic model. 4. Details of any required augmentation of existing drainage systems to accommodate drainage from the development. 5. roads and car parks:    1. Pavement design.    2. Traffic management devices.    3. Line marking. 6. Clearly delineate the extent/location of the 5% annual exceedance probability (AEP), the 1% AEP, the probable maximum flood and the flood planning level (FPL) lines and clearly label them as such (only if the site is flood affected). The FPL is defined in Council's Flood Risk Management Policy.   The plans and information must be accompanied by certification from a suitably qualified civil engineer certifying that they comply with Council's engineering specifications. |
| **Condition reason:** To ensure that civil works are designed to appropriate standards |
| 17 | **E. Damages bond** |
| Before the issue of a construction certificate, a bond must be lodged with Council in accordance with Council's Development Infrastructure Bonds Policy. Fees are payable for the lodgement and refund of the bond. Evidence of the bond lodgement must be provided to the certifier. |
| **Condition reason:** To ensure that any damage to existing public infrastructure is rectified |
| 18 | **E. Engineering specifications** |
| Before the issue of a construction certificate,  civil engineering plans and information must be prepared by a suitably qualified civil engineer and demonstrate, to the certifier's satisfaction, that the development has been designed to comply with Council's engineering specifications, the approved plans and documents and the conditions of this development consent. |
| **Condition reason:** To ensure that the development will comply with Council's engineering specifications and the terms of this consent |
| 19 | **E. Performance bond** |
| Before the issue of a construction certificate, a performance bond must be lodged with Council in accordance with Council's Development Infrastructure Bonds Policy. Fees are payable for the lodgement and refund of the bond. Evidence of the bond lodgement must be provided to the certifier. |
| **Condition reason:** To ensure that new public infrastructure works undertaken within the existing public domain are constructed to an appropriate standard |
| 20 | **E. Structural engineer certificate** |
| Before the issue of a construction certificate, a certificate must be prepared by a suitably qualified structural engineer and certify, to the certifier's satisfaction, that all piers, slabs, footings, retaining walls and structural elements have been designed in accordance with the approved and applicable geotechnical report(s). The certificate must be accompanied by a copy of the structural engineer's current professional indemnity insurance. |
| **Condition reason:** To ensure that building elements are designed for the site conditions. |
| 21 | **J. Detailed landscaping plan** |
| Before the issue of a construction certificate, detailed landscaping plans must be prepared by a registered landscape architect and demonstrate, to the certifier's satisfaction, the following detailed design requirements:   1. Consistency with the concept landscaping plans approved by this development consent. 2. Compliance with Appendix B of Camden Development Control Plan 2019. |
| **Condition reason:** To ensure that detailed landscaping requirements are documented |
| 22 | **S. Waste rooms** |
| Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that the waste rooms will comply with the following detailed design requirements:   1. Constructed of solid, impact resistant materials and finished in a smooth, even surface. 2. Smooth, impervious walls to ensure no moisture, oils or similar material can soak in. 3. Impervious, coved and graded floors that will be drained to a floor waste connection. 4. Provision of ventilation in accordance with AS 1668 - The Use of Ventilation in Buildings, lighting, pest proofing and an external hose tap. 5. Roofed with a minimum ceiling height of 2.4m |
| **Condition reason:** To ensure that hygienic waste management facilities are provided |
| 23 | **C. Mechanical ventilation** |
| Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that any room or area not provided with natural ventilation in accordance with the Building Code of Australia will instead be provided with a mechanical ventilation system that complies with the following requirements:   1. AS 1668.1 - The Use of Ventilation and Air Conditioning in Buildings - Fire and Smoke Control in Buildings. 2. AS 1668.2 - The Use of Ventilation and Air Conditioning in Buildings - Mechanical Ventilation in Buildings. |
| **Condition reason:** To ensure that mechanical ventilation system(s) are provided where natural ventilation is not achieved |
| 24 | **C. Regulated systems (design)** |
| Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that the development will comply with the following detailed design requirements:   1. The Public Health Act 2010. 2. The Public Health Regulation 2022. 3. AS 3666 - Air Handling and Water Systems of Buildings. 4. AS 1657 - Fixed Platforms, Walkways, Stairways and Ladders - Design, Construction and Installation. 5. AS 1892.1 - Portable Ladders - Performance and Geometric Requirements. 6. AS 2865 - Confined Spaces. 7. The WorkCover New South Wales publication 'Safe Work on Roofs Part 1: Commercial and Industrial Buildings'. |
| **Condition reason:** To ensure that regulated systems are designed to comply with statutory requirements and industry standards |
| 25 | **C. Sydney Water trade waste requirements** |
| Before the issue of a construction certificate, information must be obtained from Sydney Water and a suitably qualified person, regarding Sydney Water trade waste requirements and how the development will comply with them.  This must be provided to the satisfaction of the certifier. |
| **Condition reason:** To ensure that provisions have been made for managing trade waste |
| 26 | **A. Special infrastructure contribution payment** |
| Before the issue of a construction certificate, 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. |
| **Condition reason:** To require a special infrastructure contribution to be paid |
| 27 | **A. Plan of management (loading dock)** |
| A Plan of management must be developed for the ongoing operation of the loading dock fronting the eastern private road. The plan of management must address the following:   * Driver behaviour guidelines. * Approaching vehicle communication requirements. * Pedestrian management during entering and exiting vehicle movements. * Use of temporary pedestrian barriers.   The plan of management must be provided to the satisfaction of the principal certifier. Copy of the plan of management must also be provided to Council. |
| **Condition reason:** To manage vehicle and pedestrian conflict |

**Before building work commences**

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| 28 | **A. Dilapidation report** |
| Before any site work commences, a dilapidation report must be prepared by a suitably qualified person to the satisfaction of the principal certifier. The report must include:   1. A photographic survey of the following properties:    1. 62 Central Avenue, Oran Park. 2. A photographic survey of existing public infrastructure surrounding the site including (but not necessarily limited to):    1. Road carriageways.    2. Kerbs.    3. Footpaths.    4. Drainage structures.    5. Street Trees.   In the event that access for undertaking the dilapidation report is denied by a property owner, the developer must detail 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 approval must be obtained from the principal certifier in such an event. Should any public property or the environment sustain damage during the course of and as a result of works, or if the 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 developer's damages bond.  The report must be submitted to the principal certifier and Council 2 days before any site works commences. The development must comply with all conditions that the report imposes. |
| **Condition reason:** To ensure that any damage causes by works can be identified and rectified |
| 29 | **A. Public liability insurance policy** |
| Before any site work commences, the developer must take out a public liability insurance policy with a minimum cover of $20 million in relation to the occupation of, and works within, all public property for the full duration of the works. Evidence of the policy must be provided to the principal certifier. |
| **Condition reason:** To ensure adequate public liability insurance is obtained to cover development within public property |
| 30 | **A. Site security and fencing** |
| Before any site work commences, the site is to be secured and fenced to the satisfaction of the principal certifier. |
| **Condition reason:** To ensure that access to the site is managed before works commence |
| 31 | **A. Sydney Water approval** |
| Before any site work commences, the approved construction certificate and/or subdivision works certificate  plans must be approved by Sydney Water to confirm if sewer, water or stormwater mains or easements will be affected by the development. Visit www.sydneywater.com.au/tapin to apply. The Sydney Water approval must be provided to the principal certifier.  For subdivision works certificates, stamped water servicing coordinator must be provided to the principal certifier. |
| **Condition reason:** To ensure that any impacts upon Sydney Water infrastructure have been approved |
| 32 | **Z. Erection of signs** |
| Before any site work commences, a sign must be erected in a prominent position on the site:   1. Showing the name, address and telephone number of the principal certifier for the work. 2. Showing 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. 3. Stating that unauthorised entry to the work site is prohibited.   The sign must be:   1. Maintained while the work is being carried out. 2. Removed when the work has been completed.   This condition does not apply in relation to:   1. Building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building. 2. Crown building work certified to comply with the Building Code of Australia under Part 6 of the Environmental Planning and Assessment Act 1979. |
| **Condition reason:** Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021 |

**During building work**

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| 33 | **A. Building height** |
| Before the development proceeds beyond frame stage, a survey report must be prepared by a registered surveyor. The report must confirm, to the satisfaction of the principal certifier, that the building height complies with the approved plans and this development consent. |
| **Condition reason:** To ensure that the building height complies with the approved plans and this development consent |
| 34 | **A. Finished floor level** |
| Before the development proceeds beyond floor level stage, a survey report must be prepared by a registered surveyor. The report must confirm, to the satisfaction of the principal certifier, that the finished floor level complies with the approved plans and this development consent. |
| **Condition reason:** To ensure that the finished floor level complies with the approved plans and this development consent |
| 35 | **A. Pollution warning sign** |
| While site work is being carried out, a sign must be displayed at all site entrances to the satisfaction of the principal certifier. The sign must be constructed of durable materials, be a minimum of 1.2m x 900 mm and read:  '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 must be a minimum of 120mm high. The warning and fine details must be in red bold capitals and the remaining words in dark coloured lower case letters. The sign must have a white background and a red border.  The sign must be maintained until the works have been completed. |
| **Condition reason:** To ensure that potential fines for pollution are clearly advertised |
| 36 | **A. Priority (noxious) weeds management (during work)** |
| While site work is being carried out, weed dispersion must be minimised and weed infestations must be managed under the Biosecurity Act 2015  and the Biosecurity Regulation 2017.  Any priority (noxious) or environmentally invasive weed infestations that occur during works must be fully and continuously suppressed and destroyed by appropriate means, to the satisfaction of the principal certifier. All new infestations must be reported to Council. |
| **Condition reason:** To ensure priority (noxious) weeds are managed in accordance with statutory requirements |
| 37 | **A. Stormwater collection and discharge** |
| While site work is being carried out, the roof of the approved building work must be provided with guttering and downpipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, must be conveyed to the street gutter in accordance with the approved stormwater plan(s).  All roof water must be connected to the approved roof water disposal system immediately after the roofing material has been fixed to the framing members. The principal certifier must not permit construction works beyond the frame inspection stage until this work has been carried out.  Connection to the street gutter or drainage easement must only occur at the designated connection point for the site. New connections that require work to an easement pipe or kerb must only occur with Council's approval. |
| **Condition reason:** To ensure that stormwater is properly collected and discharged |
| 38 | **A. Survey report** |
| Before concrete is poured, the building(s) must be set out by a registered surveyor and a peg out survey must be prepared. The survey must confirm, to the satisfaction of the principal certifier, that the building will be sited in accordance with the approved plans and this development consent. |
| **Condition reason:** To ensure that the building(s) will be sited in accordance with the approved plans and this development consent |
| 39 | **A. Work hours** |
| While site work is being carried out, all work (including the delivery of materials) must be:   1. Restricted to between the hours of 7am to 5pm Monday to Saturday. 2. Not carried out on Sundays or public holidays.   Unless otherwise approved in writing by Council. |
| **Condition reason:** To protect the amenity of the surrounding area |
| 40 | **A. Work noise** |
| While site work is being carried out, noise levels must comply with:   1. For work periods of 4 weeks or less, the LAeg level measured over a period not less than 15 minutes when work is occurring must not exceed the background level by more than 20dB(A). 2. For work periods greater than 4 weeks but not greater than 26 weeks, the LAeg level measured over a period not less than 15 minutes when work is occurring must not exceed the background level by more than 10dB(A). 3. For work periods greater than 26 weeks, the LAeg level measured over a period not less than 15  minutes when work is occurring must not exceed the background level by more than 5dB(A). Alternatively, noise levels must comply with the NSW Environment Protection Authority Interim Construction Noise Guidelines. |
| **Condition reason:** To protect the amenity of the surrounding area |
| 41 | **B. Unexpected contamination finds contingency (general)** |
| While site work is being carried out, if any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) are encountered, the work must cease immediately until a certified contaminated land consultant has conducted an assessment of the find to the satisfaction of the principal certifier.  Where the assessment identified contamination and remediation is required, all work must cease in the vicinity of the contamination and Council must be notified immediately. Development consent must be obtained to undertake Category 1 remediation. |
| **Condition reason:** To ensure a procedure is in place to manage unexpected contamination finds encountered during site works |
| 42 | **E. Fill compaction (non-subdivision)** |
| While site work is being carried out, all fill must be compacted in accordance with Council's current engineering specifications, to the satisfaction of the principal certifier. |
| **Condition reason:** To ensure that fill is compacted to appropriate standards |
| 43 | **J. Work near or involving vegetation** |
| While site work is being carried out, the following requirements must be complied with to the satisfaction of the principal certifier:   1. Existing vegetation (including street trees) not approved for removal must be protected in accordance with AS 4970 - Protection of Trees on Development Sites and Council's engineering specifications. 2. The boundaries of any bushland or waterfront land areas adjacent to the site must be fenced by minimum 1.8m high chain link or welded mesh fencing. The fencing must include signage advising that the vegetation behind it is protected. The fencing must be maintained until the works have been completed. 3. No work (including for vehicular access or parking) that transects vegetation not approved for removal can be undertaken. 4. All vegetation related work must be carried out by a fully insured and qualified arborist. The arborist must be qualified to Australian Qualifications Framework (AQF) Level 3 in Arboriculture for the carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports. 5. All tree pruning must be carried out in accordance with AS 4373 - Pruning of Amenity Trees. 6. Where practical, all green waste generated from vegetation work must be recycled into mulch or composted at a designated facility. |
| **Condition reason:** To ensure that work near of involving vegetation is carried out to industry standards |
| 44 | **L. Archaeological discovery** |
| While site work is being carried out, the following requirements must be compiled with should relic(s) from the past be discovered that could have historical significance, to the satisfaction of the principal certifier:   1. All works in the vicinity of the discovery area must stop. 2. For Aboriginal objects, Heritage NSW must be advised of the discovery in writing in accordance with Section 89A of the National Parks and Wildlife Act 1974. Any requirements of Heritage NSW must be implemented. 3. For non-Aboriginal objects, Heritage NSW must be advised of the discovery in writing in accordance with Section 146 of the Heritage Act 1977. Any requirements of Heritage NSW must be implemented. |
| **Condition reason:** To ensure unexpected archaeological discoveries are managed in accordance with statutory requirements |
| 45 | **Z. Compliance with Building Code of Australia** |
| While building work is being carried out, the work must be carried out in accordance with the Building Code of Australia. A reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the relevant date (as defined by section 19 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021).  This condition does not apply:   1. To the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. 2. To the erection of a temporary building  other than a temporary structure used as an entertainment venue. |
| **Condition reason:** Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021 |
| 46 | **Z. Shoring and adequacy of adjoining property** |
| While site work is being carried out, 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. 2. If necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.   This condition does not apply if:   1. The person having the benefit of the development consent owns the adjoining land. 2. The owner of the adjoining land gives written consent to the condition not applying. |
| **Condition reason:** Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021 |
| 47 | **B. 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 Management Plan Proposed Residential and Commercial Subdivision Tranche 20 and Tranche 29 Oran Park, prepared by Douglas Partners, project 34272.91, Dated March 2014.” |
| **Condition reason:** To ensure the development is designed to withstand the effects of salinity |
| 48 | **B. Building glazing, roof / ceiling and wall construction** |
| The required glazing, building façade construction, and attenuation of mechanical plant noise, must be consistent with “Section 3 – Assessment and Recommendations” contained within the report titled “Acoustic DA Assessment Commercial Tower 3 and 4 Corner of Peter Brock Drive and South Circuit Oran Park, prepared by Thermal Environmental, Dated 17 August 2023.” |
| **Condition reason:** To ensure glazing, facades and mechanical plant noise is constructed in accordance with the approved Acoustic Report |
| 49 | **B. Fans noise control** |
| Fans and outdoor condensers are to be located in an acoustically sealed plantroom with the use of acoustic louvres to facilitate air intake and exhaust. |
| **Condition reason:** To ensure noise from fans and outdoor condensers are appropriately mitigated |
| 50 | **B. Cooling tower and mechanical plant selection and attenuation** |
| Mechanical plant that includes cooling tower selection for the buildings and their operation should not exceed the following noise levels when measure at existing residential and / or future high density residential locations (whichever will be closest):   * Day 58 dB(A) (LAeq, 15min) * Evening 48 dB(A) (LAeq,15min) * Night 43 dB(A) (LAeq,15min)   All plant must be suitably located on site or screened with suitable acoustic materials to meet the criteria. Selection of suitable mechanical plant must be undertaken with the involvement of a suitably qualified acoustic consultant. |
| **Condition reason:** To ensure mechanical plants and cooling towers do not impact on residential amenity |
| 51 | **E. Material sampling and testing** |
| While site work is being carried out and before any material is delivered to the site, sampling and testing of all material in accordance with Council's engineering specifications must be completed by a suitably qualified testing organisation, to the satisfaction of the principal certifier. The testing results must include a certificate from the testing organisation that certifies compliance with the criteria in Council's engineering specifications. The testing results must be updated every 3 months or when the material source changes. |
| **Condition reason:** To ensure that material used in construction complies with Council’s engineering specifications |
| 52 | **B. Site management plan (during work)** |
| While site work is being carried out, the approved site management plan must be complied with.   A copy of the plan must be kept on the site at all times and provided to Council upon request. |
| **Condition reason:** To protect the amenity of the surrounding area |
| 53 | **Q. Local traffic committee approval** |
| Before the installation of or any changes to regulatory road signage, line marking and/or devices, approval must be obtained from Council's Local Traffic Committee for the installation of or any changes to regulatory road signage, line marking and/or devices. Evidence of the approval must be provided to the principal certifier. |
| **Condition reason:** To ensure that regulatory road elements are formally approved |

**Before issue of an occupation certificate**

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| 54 | **A. Driveway crossing construction** |
| Before the issue of an occupation certificate, evidence must be provided and demonstrate, to the principal certifier's satisfaction, that a driveway crossing has been constructed in accordance with this development consent and the driveway crossing approval. |
| **Condition reason:** To ensure that the building(s) is provided with vehicular access |
| 55 | **A. Services** |
| Before the issue of an occupation certificate, the following information from energy, water and wastewater service suppliers must be obtained and provided to the principal certifier:   1. A notice of arrangement for the distribution of electricity from Endeavour Energy to service the approved development. 2. A section 73 compliance certificate from Sydney Water demonstrating that satisfactory arrangements have been made to service the approved development |
| **Condition reason:** To ensure that energy, water and wastewater services are provided for the development |
| 56 | **A. Survey certificate** |
| Before the issue of an occupation certificate, a survey certificate must be prepared by a registered surveyor and demonstrate, to the principal certifier's satisfaction, that the siting of the building(s) complies with the approved plans and this development consent. |
| **Condition reason:** To ensure that the building(s) are sited in accordance with the approved plans and this development consent |
| 57 | **E. Verge Reconstruction** |
| Before the issue of an occupation certificate, the unpaved road verges directly adjoining the property must be reconstructed with grass species to match the adjoining road verge section. |
| **Condition reason:** To ensure that road verges are reconstructed with grass following building works |
| 58 | **J. Existing street trees inspection** |
| Before the issue of an occupation certificate, all existing street trees along all public roads adjoining the site must be inspected by Council. Any damage to these existing street trees must be rectified to the satisfaction of Council. |
| **Condition reason:** To ensure that existing street trees are inspected for damage and rectified where required |
| 59 | **J. Landscaping works completion** |
| Before the issue of an occupation certificate, all of the landscaping works approved by this development consent and the construction certificate must be completed to the satisfaction of the principal certifier. This must include the provision of certification from the supplier of all trees certifying that the trees comply with AS 2303 - Tree Stock for Landscape use. |
| **Condition reason:** To ensure that all approved landscaping works have been completed to an appropriate standard |
| 60 | **B. Rainwater harvesting and tanks** |
| 1. For the purpose of harvesting rainwater for reuse on site, only rainwater captured from the roof catchment is allowed to be reused to water landscapes (if non-potable water is preferred). 2. 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”, and in 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. |
| **Condition reason:** To ensure rainwater harvesting and tanks operate safely |
| 61 | **A. Acoustic report compliance** |
| Before the issue of an occupation certificate, information must be prepared by a suitably qualified acoustic consultant and demonstrate, to the principal certifier's satisfaction, that the building(s) have been constructed in accordance with the acoustic report that applies to the lot.   * LAeq,15min, 58 dB(A) Day period 7.00am – 6.00pm * LAeq,15min, 48 dB(A) Evening period 6.00pm to 10.00pm * LAeq,15 min, 43 dB(A) Night period 10.00pm to 7.00am   Noise is to be assessed at the property boundary of the nearest existing residential receiver and / or future apartment residential receiver (whichever will be closest). |
| **Condition reason:** To ensure that the building(s) has been constructed to mitigate noise impacts upon future occupants |
| 62 | **E. Defects and liability bond** |
| Before the issue of an occupation certificate, a defects and liability bond must be lodged with Council in accordance with Council's Development Infrastructure Bonds Policy. Fees are payable for the lodgement and refund of the bond. Evidence of the bond lodgement must be provided to the principal certifier. |
| **Condition reason:** To ensure that the cost to rectify defects and liabilities in new public infrastructure works is captured |
| 63 | **E. Geotechnical certification** |
| Before the issue of an occupation certificate, certification must be prepared by a suitably qualified geotechnical engineer and demonstrate, to the satisfaction of the principal certifier, that:   1. All works detailed in any geotechnical report applicable to the site have been undertaken under the engineer's supervision and to the engineer's satisfaction. 2. The assumptions relating to the site conditions made in preparation of the geotechnical report were validated during construction. |
| **Condition reason:** To ensure that geotechnical works have been complete to appropriate standards |
| 64 | **E. Water management facilities positive covenant** |
| Before the issue of an occupation certificate, evidence must be provided and demonstrate, to the principal certifier's satisfaction, that a positive covenant has been registered with NSW Land Registry Services. The positive covenant must be created under Section 88E of the Conveyancing Act 1919 and burden the property owner with a requirement to maintain any on-site detention, on-site retention/re-use and water quality facilities on the property.  The terms of the positive covenant must include the following:   1. The property owner is responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures. 2. The property owner will have the facilities inspected by a competent person on a schedule mandated by the facilities' design specifications. 3. Council will have the right to enter the site at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order the facilities. 4. Council will have the right to recover as a liquidated debt the cost of any remedial work from the property owner upon demand. 5. The property owner will indemnify Council and all adjoining property owners against damage to their properties arising from the failure of any component of the facilities or the failure to clean, maintain and repair the facilities. |
| **Condition reason:** To provide a legal mechanism for the long-term maintenance of water management facilities |
| 65 | **E. Works as executed plans** |
| 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, the following requirements:   1. Digital data must be in AutoCAD .dwg or .dxf format and the data projection coordinate must be in GDA94 / MGA  Zone 56. 2. Verify 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:       1. Internal drainage pipes.       2. Orifice plates.       3. Outlet control devices and pits.       4. Weirs (including widths).    3. Verification that the orifice plates have been fitted and the diameter of the fitted plates.    4. Verification that trash screens are installed. 3. Where the site is flood affected, the plans must clearly delineate the extent of the flood planning levels. The plan must clearly delineate the extent and location of the 5% annual exceedance probability (AEP), the 1% AEP, the probable maximum flood and the flood planning level (FPL) lines and clearly label them as such. The FPL is defined in Council's Flood Risk Management Policy. |
| **Condition reason:** To ensure that the completed works are recorded |
| 66 | **S. Private waste collection contract** |
| Before the issue of an occupation certificate, a private waste collection contract must be entered into for the collection of all waste and it's disposal at a waste facility. Evidence of the contract must be provided to the principal certifier and Council. |
| **Condition reason:** To ensure that a formal arrangement is in place for the private collection of waste |
| 67 | **C. Regulated systems (commissioning)** |
| Before the issue of an occupation certificate, information must be prepared by a suitably qualified person and demonstrate, to the principal certifier's satisfaction, that the installed regulated systems comply with the following requirements:   1. The Public Health Act 2010. 2. The Public Health Regulation 2022. 3. AS 3666 - Air Handling and Water Systems of Buildings. |
| **Condition reason:** To ensure that regulated systems are installed in accordance with statutory requirements and industry standards |
| 68 | **A. Installation of warning system** |
| The loading dock shall include a flashing light system which is triggered by the opening of the roller door for all vehicles entering and exiting the loading dock which fronts the eastern private road to forewarn pedestrians that the loading dock is in use. |
| **Condition reason:** To ensure pedestrians are altered of vehicles approaching the loading dock |
| 69 | **A. Largest vehicle permitted** |
| The largest vehicle permitted to enter from the eastern private road is an 8.8m medium rigid vehicle (MRV). Appropriate signage must be installed at the intersection of the private road and the northern local road, which limits the use of the private road to a maximum 8.8m medium rigid vehicle (MRV) only. |
| **Condition reason:** To prevent larger vehicles from entering an arrangement that is not designed to accommodate them |
| 70 | **A. Registration of DA/2023/631/1** |
| Documentary evidence shall be provided to the principal certifier confirming registration of the approved allotments in accordance with DA/2023/631/1 with NSW Land Registry Services. |
| **Condition reason:** To ensure that works and creation of lots relied on by this DA have occurred |
| 71 | **A. Construction of Road** |
| Prior to issue of an Occupation Certificate, all roadworks as approved by development consent DA/2023/631/1 shall be completed. |
| **Condition reason:** To ensure that all road works relied on by this DA have occurred. |
| 72 | **A. Photovoltaic Panels** |
| A photovoltaic solar system must be installed on the roof of both commercial buildings generally in accordance with the extent and location shown on the approved plans |
| **Condition reason:** To ensure the system as shown on approved plans is installed |
| 73 | **A. Electric vehicle charging** |
| Electric vehicle charging stations must be provided for as shown by the approved plans |
| **Condition reason:** To ensure provision is made for electric vehicle charging stations |

**Occupation and ongoing use**

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| 74 | **A. Graffiti removal** |
| During occupation and ongoing use of the development, all graffiti applied to the development must be removed within 48 hours of its application. |
| **Condition reason:** To protect the visual amenity of the area surrounding the development |
| 75 | **A. Loading and unloading** |
| During occupation and ongoing use of the development, all loading and unloading activities must take place within the development's approved loading area. |
| **Condition reason:** To maintain the visual amenity of the area and off street car parking spaces and driveways approved for the development |
| 76 | **A. Priority (noxious) weeds management (ongoing)** |
| During occupation and ongoing use of the development, weed dispersion must be minimised and weed infestations must be managed under the Biosecurity Act 2015 and the Biosecurity Regulation 2017.  All new infestations must be reported to Council. |
| **Condition reason:** To ensure priority (noxious) weeds are managed in accordance with statutory requirements |
| 77 | **J. Landscaping works maintenance** |
| During occupation and ongoing use of the development, the approved landscaping must be perpetually maintained in a complete and healthy condition. |
| **Condition reason:** To ensure that approved landscaping works are perpetually maintained to an appropriate standard |
| 78 | **J. Public domain landscaping works establishment period** |
| Following the completion of all civil works, soil preparation and treatment, initial weed control, planting, turf and street tree installation and mulching, the developer must maintain the landscaping works for 12 months. At the conclusion of this period all landscaping works must be in an undamaged, safe and functional condition and all plantings must have signs of healthy and vigorous growth. |
| **Condition reason:** To ensure that approved public domain landscaping works are established to an appropriate standard |
| 79 | **C. Remote storage facilities for food premises** |
| During occupation and ongoing use of the development, the use of remote storage facilities by food premises is prohibited. |
| **Condition reason:** To ensure that food storage only occurs in approved locations |
| 80 | **C. Separate approval for use barbecue, charcoal and wood fire cooking** |
| A separate development application for the use of any proposed solid fuel cooking equipment (including barbecue, charcoal or wood fired appliances) shall be provided to and approved by Council prior to that use commencing. Details of the proposed system of filtration and exhaust treatment must demonstrate compliance with the standards set out in Section 6 – Food Outlets - the Local Government Air Quality Toolkit – NSW EPA, and provided to the accredited certifier with the construction certificate. |
| **Condition reason:** To ensure that all proposed solid fuel cooking is appropriately assessed and approved prior to use to avoid causing air pollution. |
| 81 | **B. Restricted use of roof top terrace** |
| All communal terrace locations are restricted from being used or occupied between the hours of 10.00 pm and 7.00 am on any night / morning.  The use of amplified music on the roof top terrace is prohibited at any time. |
| **Condition reason:** To protect the surrounding amenity |
| 82 | **B. Building internal noise levels** |
| For building internal commercial / retail spaces, the internal noise levels are to be compliant with the “satisfactory design sound level” as listed in ‘AS/NZS2107:2000 – Acoustics – Recommended design Sound Levels and Reverberation Times for Building Interiors.’ |
| **Condition reason:** To protect the building from external noise |
| 83 | **B. Exhaust fans and air-conditioner condenser operation** |
| Exhaust fans and air-conditioner condensers are not permitted to operate between the hours of 10.00pm and 7.00am. |
| **Condition reason:** To protect the surrounding amenity |
| 84 | **B. Offensive noise and noise compliance** |
| During occupation and ongoing use of the development, the use and occupation of the premises, including all plant and equipment,  must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act 1997. Operational noise must also comply with the NSW Noise Policy for Industry 2017. |
| **Condition reason:** To protect the amenity of the surrounding area |
| 85 | **D. Fire safety schedule** |
| During occupation and ongoing use of the development, the fire safety schedule issued by Council with this development consent and all fire safety measures detailed therein must be complied with and maintained at all times. |
| **Condition reason:** To ensure that the required fire safety measures for the development are maintained |
| 86 | **A. Compliance with loading dock plan of management** |
| The loading dock fronting the eastern private road and its associated areas must operate in accordance with the plan of management at all times. |
| **Condition reason:** To ensure the loading dock is appropriately managed |
| 87 | **A. Small scale retail premises only** |
| Any retail tenancies are limited to a maximum GLAR of 1500m2 |
| **Condition reason:** To ensure overall GLAR within the Town Centre is not exceeded |
| 88 | **A. Operating hours** |
| During occupation and ongoing use of the development, the development is approved to operate within the following hours:   |  |  | | --- | --- | | Day | Operating Hours | | Monday - Sunday | 7am - 10pm | |
| **Condition reason:** To protect the amenity of the surrounding area |
| 89 | **B. Operation of loading dock and waste area** |
| Deliveries to the loading dock and waste collection is permitted to only operate between the hours of 8.00am and 8.00pm on Saturday, Sunday and public holidays and between, 7.00am and 8.00pm, on any other day. |
| **Condition reason:** To protect the surrounding amenity |
| 90 | **A. Photovoltaic Panels and Electric Vehicle Charging** |
| The photovoltaic rooftop solar system and electrical vehicle charging stations referenced in conditions (73) and (74) respectively must be maintained for the life of the development. |
| **Condition reason:** To ensure photovoltaic system and charging stations are provided and maintained in working order |
| 91 | **C. Storage areas associated with food for sale** |
| Where a separate fit-out and use approval (if any) is granted for a food related premises, any area(s) used to store food for sale associated with that premise(s) must comply with the following:   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 - The Use of Ventilation and Air Conditioning in Buildings - Fire and Smoke Control in Buildings. 5. AS 1668.2 - The Use of Ventilation and Air Conditioning in Buildings - Mechanical ventilation in Buildings. |
| **Condition reason:** To ensure areas that may be used to store food for sale area comply with the relevant legislation and standard. |