

ATTACHMENT A – DRAFT CONDITIONS OF CONSENT 1356/2023/JP

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

The amendments in red require the following:

- Installation of an intercom system near the roller shutter door to ensure that in the event of a vehicle arriving outside of business hours, communication with building management is enabled to allow the roller shutter door to be opened remotely.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION/ ISSUE	DATE
AR-002	Proposed Subdivision Plan	A01	21/10/2024
AR-0101	Site Plan	A03	1/08/2024
AR-1200	Basement Level 2 Plan – Exclusive Use for Office/Authorised Car Park	A02	17/08/2023
AR-1201	Basement Level 1 Plan - Carpool	A02	17/08/2023
AR-1202	Ground Level Plan – Function Hall Car Park	A05	1/08/2024
AR-1203	Level 1 Plan – Function Hall	A03	1/08/2024
AR-1203	Level 1 Function Hall with Acoustic Mitigation Measures annotated on plans	A01	15/11/2022
AR-1204	Level 2 - Mezzanine	A01	15/11/2022
AR-1205	Level 3 Plan - Office	A01	15/11/2022
AR-1206	Level 4 Plan - Office	A01	15/11/2022
AR-1207	Level 5 Plan - Office	A01	15/11/2022
AR-1208	Level 6 Plan - Office	A01	15/11/2022
AR-1209	Level 7 Plan – Roof Terrace Restaurant and Function Hall	A01	15/11/2022
AR-1209	Level 7 Plan Roof Terrace Function Hall with Acoustic Mitigation Measures annotated on plans	A01	15/11/2022
AR-1210	Roof Plan	A01	15/11/2022
AR-2200	Section 1	A01	15/11/2022
AR-2201	Section 2 and 3	A02	15/11/2022
AR-2601	Northeast Elevation (including finishes schedule)	A01	15/11/2022
AR-2602	Southwest Elevation (including finishes schedule)	A01	15/11/2022
AR-2603	Southeast Elevation (including finishes schedule)	A01	15/11/2022
AR-2604	Northwest Elevation (including finishes schedule)	A01	15/11/2022
AR-6801	Kitchen Typical Details (Sheet 1)	A01	18/11/2022
AR-6802	Kitchen Typical Details (Sheet 2)	A01	18/11/2022
ARSK5100	Retaining Wall Detail Sections (Sheet 1)	A01	15/11/2022
ARSK5101	Retaining Wall Detail Sections (Sheet 2)	A01	15/11/2022

LA-CV00	Landscape Architectural Drawings for DA – Cover Page	A07	10/09/2024
LA-0200	Landscape Site Plan	A08	10/09/2024
LA-0501	Landscape Plan (Sheet 1 of 4)	A07	10/09/2024
LA-0502	Landscape Plan (Sheet 2 of 4)	A04	1/08/2024
LA-0503	Landscape Plan (Sheet 3 of 4)	A04	1/08/2024
LA-0504	Landscape Plan (Sheet 4 of 4)	A07	10/09/2024
LA-3401	Landscape Plan Levels 3 - 6	A01	14/08/2023
LA03402	Landscape Plan Level 7	A01	14/08/2023
LA-8901	Landscape Details	A03	14/08/2023
LA-8902	Landscape Details	A04	15/09/2023
LA-8903	Landscape Details	A01	10/09/2024
-----	Numbering Plans (13 Pages – for numbering purposes only)	-----	----- -

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

3. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

4. External Finishes

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

5. Compliance with Norwest Association Requirements

Compliance with the requirements of Norwest Association Limited in letter dated 12 January 2023, submitted with the Development Application unless other conditions in this consent expressly require otherwise.

6. Compliance with NSW Police Requirements

The following is required or as otherwise agreed by NSW Police in writing:

Licencing

- The venue is to adhere to all rules and regulations regarding the responsible service of alcohol.
- Management and staff will comply with the measures for the responsible service of alcohol.
- Water must be available at point of sale and all alcohol must be consumed on premises only.
- Consideration should be made for security guards to be present for larger functions.
- The Licensee must also become an active member of the local liquor accord.
- All staff should be aware of the plan of management.

Surveillance:

- Installation of a CCTV system with continuous recording capabilities to monitor the common open spaces throughout the development including function rooms, especially if no access control to the area is provided.
- Installation of CCTV to monitor entry/exit to the complex including loading docks.

- CCTV cameras need to be able to zoom in on a person of interest without loss of focus and/or quality.
- The owner should train all relevant staff of how to use the CCTV cameras.
- Vegetation to be kept trimmed at all times and a regular maintenance schedule needs to be implemented to ensure that the vegetation does not become overgrown.

Lighting:

- Lighting is to meet minimum Australian Standards. Special attention is to be made to lighting at entry/exit points from the building, the car park and driveways.
- Communal areas are well supervised, by allowing natural surveillance of these sites.

Territorial Reinforcement:

- All public access points are to be well marked.

Environmental Maintenance:

- Use of anti-graffiti building materials.
- A maintenance schedule to remove any graffiti or repair damaged property should be implemented.

Access Control:

- Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime e.g. "Warning, trespasser will be prosecuted" or "Warning, these premises are under electronic surveillance". This should be visible from all restricted areas (not open to the public).
- Ensure improved strength and better quality locking mechanism to security roller shutters/garage doors.
- Fire doors are to be alarmed and a magnetic strip is required so that the door will shut closed.
- Ensure there are no outer ledges capable of supporting hands/feet and balustrades cannot provide anchor points for ropes.
- Any fencing proposed is to be placed vertically. If spacing is left between each paling, it should be at a width that limits physical access.
- High quality letter boxes that meet AS ISO9001:2008 are required. The letterboxes are to be under CCTV surveillance.
- Access points are to have the contact details for a site manager clearly visible.
- Access to the car park should be by controlled swipe card (or similar) or key pad.

7. Endeavour Energy Requirements

Compliance with the recommended Endeavour Energy requirements as outlined in their letter dated 22 March 2023, attached to this consent.

8. Provision of Parking Spaces

The development is required to provide 409 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times as follows:

Uses	Provision of car parking spaces
Commercial Offices	143 spaces
Cafe	5 spaces
Rooftop Restaurant/Bar	21 spaces
Function Centre	240 spaces

With respect to the above arrangement, the following specific requirements apply and are required to be prepared in a carpark management statement to be submitted to Council prior to the issue of an Occupation Certificate:

- 114 of the 143 spaces dedicated to the office component are to be freely available on weekends, Friday night and New Year's Eve for exclusive use of the patrons of the function centres.
- Any security point obstructing access to the commercial office spaces needs to be open on weekends, Friday night and New Year's Eve, so that the car parking spaces are open/ available for the exclusive use of the patrons of the function centres.

These requirements must be accounted for as part of any planned subdivision of the development later. Specifically, shared spaces across lots require easements and the shared use needs to be clearly explained in the management statement.

9. Separate application for detailed signage

A separate application is to be submitted to, and approved by, Council prior to the erection of any detailed advertisements or advertising structures.

10. Separate Development Application – Food and Drink Premises

A separate Development Application is required for the fit out of the approved food and drink premises unless allowed by the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

11. Approved Subdivision Plan (land dedication)

The subdivision including land dedication must be carried out in accordance with the approved plan of subdivision prepared by DEM Drawing No. AR-0102 Revision A01 dated 21/10/2024 and other supporting documentation.

12. Subdivision Certificate Preliminary Review

Prior to the submission of a Subdivision Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted in order to establish that all conditions have been complied with.

13. Separate Application for Strata Subdivision

The strata title subdivision of the development is not included. A separate development application or complying development certificate application is required.

14. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted as part of the Development Application must be implemented except where contrary to other conditions of consent. The information submitted regarding construction and demolition wastes can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool

www.wastelocate.epa.nsw.gov.au.

15. Access and Loading for Waste Collection

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian Standard 2890.2 for the standard 8.8m long Medium Rigid Vehicle (minimum 3.5m clear vertical clearance exception). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 3.5m. Any nearby areas where the clear headroom is less than 3.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.

- All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.
- Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
- The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three point turn).
- The designated waste service bay must allow additional space servicing of bins (wheeling bulk bins to the back of the waste collection vehicle for rear load collection).
- The loading area must have a sufficient level of lighting and have appropriate signage such as “waste collection loading zone”, “keep clear at all times” and “no parking at any time”.
- Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of medium rigid vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab.

16. Waste and Recycling Collection Contract

There must be a contract in place with a licenced contractor for the removal and lawful disposal of all waste generated on site. Written evidence of a valid and current collection and disposal contract must be held on site at all times and produced in a legible form to any authorised officer of the Council who asks to see it.

17. Management of Construction and/or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

18. Disposal of Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written approval of Council prior to works commencing on site. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties.

Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

19. Planning Agreement (Local VPA)

The obligations in the Planning Agreement (1/2022/VPA) between Mulpha Norwest Pty Ltd and The Hills Shire Council dated 7 September 2021 (Planning Agreement), or any future variation of this Planning Agreement, must be satisfied in accordance with the terms of the Planning Agreement, as specified in Clause 9 and Schedule 1 of the Planning Agreement.

20. Planning Agreement (State VPA)

The obligations in the Planning Agreement (SVPA 2023-108) between Georges Grounds Pty Limited and The Minister administering the Environmental Planning and Assessment Act 1979 dated 8th May 2024 (Planning Agreement), or any future variation of this Planning Agreement, must be satisfied in accordance with the terms of the Planning Agreement.

21. Construction of Waste Storage Area(s)

The waste storage area(s) must be designed and constructed in accordance with the following requirements.

- The waste storage area(s) must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins.
- The layout of the waste storage area(s) must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The walls of the waste storage area(s) must be constructed of brickwork.
- The floor of the waste storage area(s) must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The waste storage area(s) must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors.
- All doors of the waste storage area(s), when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage area(s) must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The waste storage area(s) must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage area(s), it is not to conflict with the space designated for the placement of bins.
- The waste storage area(s) must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The waste storage area(s) must have appropriate signage (EPA approved designs can be found on the NSW EPA website) mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation
- Finishes and colours of the waste storage area(s) are to complement the design of the development.

Example Bin Measurements (mm)

240L: 735 (d) 580 (w) 1080 (h) 660L: 850 (d) 1370 (w) 1250 (h) 1100L: 1245 (d) 1370 (w) 1470 (h)

22. Property Numbering and Cluster Mail Boxes for Mixed Use Development, Commercial Developments and Industrial Developments

The responsibility for property numbering is vested solely in Council under the *Local Government Act 1993*.

The overall property address for this development is: - 12 Norbrik Drive, Bella Vista NSW 2153

Property and Unit Numbering is approved by Council's Land Information Team as per 'Numbering Plans' identifying unit numbers within consent documentation; and as follows:

Level	Use	Approved Numbering	Approved Numbering Plan
Ground	Café	G01	Project 4596-00; DWG ar-1202; Rev a01
One	Function Hall	101 - 102	Project 4596-00; DWG ar-1203; Rev a01
Two	Function Hall Bridal Suites	201 – 202	Project 4596-00; DWG ar-1204; Rev a01
Three	Offices	301 - 303	Project 4596-00; DWG ar-1205; Rev a01
Four	Offices	401 – 406	Project 4596-00; DWG ar-1206; Rev a01
Five	Offices	501 – 503	Project 4596-00; DWG ar-1207; Rev a01
Six	Offices	601 – 603	Project 4596-00; DWG ar-1208; Rev a01
Seven	Function Hall & Garden Terrace	701 - 702	Project 4596-00; DWG ar-1209; Rev a01

These addresses shall be used for all correspondence, legal property transactions and shown on the final registered Deposited Plan/Strata Plan lodged with Land Registry Services NSW as required.

Under no circumstances can unit numbering be repeated or skipped throughout the development regardless of the building name or number.

Approved numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances including stairwells, lift and lobby entry doors.

External directional signage is to be erected on site at driveway entry points and on buildings to ensure that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly.

Mailboxes

Australia Post requires cluster mailboxes within a foyer to be as close to the footpath or road as possible.

Parking for Postal officer motorcycle/walk buggy is to be provided in a safe location that is viewable from foyer mailboxes to ensure the security of mail located on the vehicle. An intercom or doorbell is to be provided for each unit for the delivery of parcels.

Locations as provided on plans DWG No ar-1202 Rev a01 are to be approved by Australia Post for mail delivery. Plans are to be provided to Gregory Dimmock at the Seven Hills Delivery Centre via email Gregory.dimmock@auspost.com.au or phone 02 9674 4027. Australia Post approval is required to be provided to Council.

The number of mailboxes to be provided is to be equal to the number of flats/units/townhouses etc. plus one (1) for the proprietors of the development and be as per Australia Post size requirements.

Strata Developments

All approved developments that require subdivision under a Strata Plan, must submit a copy of the final strata plan to Council's Land Information Section before it is registered for the approval and allocation of final property and unit numbering. This applies regardless of whether the PCA is Council or not.

It is required that Lot numbers within the proposed strata plan are not duplicated and all run sequentially within the same level, commencing from the lowest level upwards to the highest level within the development.

Please call 9843 0555 or email a copy of the final strata plan before it is registered at Land Registry Services NSW to council@thehills.nsw.gov.au for the approval of final Property and Unit numbering with corresponding Lot Numbers now required to be included within the registered Strata Administration sheet.

Under no circumstances is the Strata Plan to be lodged with Land Registry Services NSW before Council has approved all final addressing.

23. Tree Removal

Approval is granted for the removal of thirteen (13) trees numbered 14 and 19-30 as detailed in the Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy dated 25/09/23.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

24. Planting Requirements

All trees planted as part of the approved landscape plan pursuant to Condition 1 of this consent are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers and ornamental grasses are to be minimum 150mm pot sizes. Any species that need substituting requires confirmation from Council.

25. Retention of Trees

All trees not specifically identified on the approved plans for removal are to be retained with remedial work to be carried out in accordance with the Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy dated 25/09/23.

26. Irrigation

An automatic watering system to be installed as a minimum to all planter boxes on all levels. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or Private Certifier prior to issue of the construction certificate.

27. Tree Removal on Public Land

Approval is granted for the removal of one (1) street tree on Norbrik Drive numbered 14 on the Arboricultural Development Impact Assessment Report prepared by Birds Tree

Consultancy dated 25/09/23 the located on the Council nature strip that will be impacted by works associated with the development.

All tree works must be undertaken by the owner/applicant at their cost. Prior to any works commencing on site, the owner/applicant must provide the following details to The Hills Shire Council's Manager – Environment & Health:

- Time and date of when the tree works will occur;
- Full details of the contractor who will be undertaking tree works (Minimum AQF level 3 Arborist);
- Current copy of the contractors Public Liability Insurance (Minimum \$10,000,000).

Note: The owner/applicant is to keep a photographic record pre and post tree removal works of the tree and surrounding Council infrastructure (e.g. concrete footpath, kerb & gutter) and provide these to Council upon request. The grass verge must be reinstated with any holes filled to existing natural ground level.

28. Contamination

Any new information, that may come to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council's Manager – Environment and Health.

29. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Resonate Consultants, referenced as S220459RP1 Rev C, dated 10 May 2023 and further information letter referenced as S220459LT1B, dated 13 November 2023 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Hours of operation:
 - Ground level food and drink premises: 6am to 11pm Monday to Sunday
 - Level 1 and level 7 rooftop function halls: 11am to 12 midnight (the function halls are to be fully enclosed from 10pm)
 - Level 7 roof terrace (bar and restaurant): 11am to 2am on Friday, Saturday and New Years Eve and up to 12am on Sunday to Thursday (the level 7 roof terrace is to be fully enclosed from 10pm).
- The level 1 function halls, level 7 function hall and roof terrace (bar and restaurant) are to be fully enclosed from 10pm.
- The level 1 and level 7 outdoors areas are not to be used after 10pm, patrons are to be moved indoors and music is to be switched off. Music is not permitted in the level 1 outdoor area and level 7 outdoor area after 10pm.
- The use of the level 1 outdoor area and level 7 outdoor area is restricted access from 10pm for smoking only. No direct access from any halls to the roof terrace or garden pavilion outdoor areas after 10pm. Restricted access will be managed through airlock zone areas with limited amount of patrons allowed at one time;
 - Level 1 is restricted to no more than 50 patrons at any one time and entrance to the level 1 outdoor area will be via the breakout/ corridor only.
 - Level 7 is 40 patrons at any one time and entrance to the level 7 outdoor area will be via the lobby corridor only.
- 1.8m high noise barrier in the form of a glass parapet along the eastern boundary of the level 7 roof terrace. The noise barrier should be of solid construction with no gaps at joints or at the base of the barriers. The noise barrier should be constructed of materials that achieve an acoustic rating of at least Rw 25.

- The walls of the function halls (internal and outdoor areas) are to be lined with acoustic absorptive panels should have an NRC rating of at least 0.7
- Function centre management should ensure that unreasonable or excessive patron behaviour is not permitted in any outdoor area after 10pm.
- Patrons leaving the site will be managed and guided by the function centre operator as the operational management plan.
- Amplified and live music shall be managed by the use of a electronic frequency dependant limiting devices, the sound limiter device is to be installed to the sound systems used in the level 1 and level 7 function halls and bar and restaurant area to ensure that the amplified music in the internal areas are set to the limit levels set out in table 1 below;

Area	Resultant L10 reverberant noise level at each octave band frequency -dB								Overall L10dB(A)
Function halls and bar / restaurant areas	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	100
	48	69	80	90	94	95	92	84	

30. Security Bond Requirements

A security bond may be submitted in lieu of a cash bond. The security bond must:

- Be in favour of The Hills Shire Council;
- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- Have no expiry date;
- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid in accordance with the relevant condition;
- Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

31. Protection of Public Infrastructure

Adequate protection must be provided prior to work commencing and maintained during building operations so that no damage is caused to public infrastructure as a result of the works. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site. The certifier is responsible for inspecting the public infrastructure for compliance with this condition before an Occupation Certificate or Subdivision Certificate is issued. Any damage must be made good in accordance with the requirements of Council and to the satisfaction of Council.

32. Vehicular Crossing Request

Each driveway requires the lodgement of a separate vehicular crossing request accompanied by the applicable fee as per Council's Schedule of Fees and Charges. The vehicular crossing request must be lodged before an Occupation Certificate is issued. The vehicular crossing request must nominate a contractor and be accompanied by a copy of their current public liability insurance policy. Do not lodge the vehicular crossing request until the contractor is known and the driveway is going to be constructed.

33. Vehicular Access and Parking

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps are required, with their design and construction complying with:

- AS/ NZS 2890.1
- AS/ NZS 2890.6
- AS 2890.2
- DCP Part C Section 1 – Parking
- Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

These requirements shall be reflected on the Construction Certificate plans and supporting documentation before the issue of a construction certificate.

34. Structures Adjacent to Piped Drainage Easements

Buildings and structures, including footings and brick fences, adjacent to existing or proposed drainage easements must be located wholly outside the easement. A design must be provided by a structural engineer certifying that the structure will not impart a load on the pipe in the easement.

35. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

36. Planning Agreement (Local VPA)

Pursuant to the Planning Agreement (1/2022/VPA) between Mulpha Norwest Pty Ltd and The Hills Shire Council dated 7 September 2021 (Planning Agreement), a contribution of **\$902,475.53** shall be paid to Council prior to the issue of a Construction Certificate.

You are advised that the percentage of monetary contributions payable for the development under the Planning Agreement having a Capital Investment Value is within the range specified in the table below;

CIV estimate for any Development Application	% Monetary Contribution Payable
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5%
More than \$200,000	2.1%

As per Council's exhibited Fees and Charges effective from 1 July 2022, **Council will no longer accept payments by cash or by cheque.** Payments will be accepted via Debit or Credit Card or Direct Debit from a bank account.

37. Erosion & Sediment Control Plan

Submission of an Erosion and Sediment Control Plan to the Principal Certifier, including details of:

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

38. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$154,440.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site (30m) plus an additional 50m on either side, multiplied by the width of the road (9m).

The bond must be lodged with Council before a Construction Certificate is issued. The amount of bond is to be confirmed by Council at time of lodgement of the bond in accordance with the applicable Fees and Charges.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these costs.

39. Groundwater Management

Prior to the issue of the construction certificate by the registered Certifier, the Applicant is to obtain A Water Supply Work/ or Water Supply License (WSL) to the satisfaction of WaterNSW:

1. demonstrate adequate groundwater entitlements can be obtained for the project's operational water take
2. ensure sufficient water entitlement is held in a Water Supply Work/ or Water Supply License (WSL) to account for the maximum predicted take for each water source prior to take occurring
3. develop a Ground Water Management Plan for the construction phase
4. develop a dewatering reporting schedule covering duration of construction
5. develop a proposed operational phase (after building completion) monitoring and reporting schedule

Design compliance certificate shall be prepared by suitably accredited qualified Geotechnical Engineer certifying that the requirements above have been satisfied. These requirements shall be reflected on the Construction Certificate and supporting documentation prior to the issue of the Construction certificate by the Registered Certifier.

40. Stormwater Pump/ Basement Car Park Requirements

The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 – Plumbing and Drainage – Stormwater drainage. The system must be connected to a junction pit before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. Where Onsite Stormwater Detention is required, the system must be connected to that Onsite Stormwater Detention system. All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.

41. Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Engineering works can be classified as either "subdivision works" or "building works".

Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council.

Depending on the development type and nature and location of the work the required certificate or approval type will differ. The application form covering these certificates or approvals is available on Council's website and the application fees payable are included in Council's Schedule of Fees and Charges.

The concept engineering plan prepared by ACOR Consultants Revision E is for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent.

a) Overland flow paths and swales

The development is to accept and cater for any surface runoff from the up-slope adjoining land in a 'failsafe' manner without affecting any other adjoining property(ies). This will require as a minimum the provision of overland flow paths along the northern boundary and grassed swales along the eastern boundary of the development site. Minimum dimensions of the grassed swales shall be 1.8m wide and 300mm deep. These measures must be designed for all storm events up to and including the 1 in 100 year ARI. These measures shall be designed and constructed wholly inside the property boundary.

b) Stormwater Management

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The stormwater concept plan prepared by ACOR Drawing C08-001 Revision E dated 6/5/24 is for development application purposes only and is not to be used for construction. The detailed design must reflect the stormwater concept plan and the following necessary changes:

- OSD is to be 50% of the normal on-site detention volume under the Upper Parramatta River Catchment Trust Guidelines.

c) Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

d) Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of Ocean Protect Cartridges, rainwater tank, Ocean Guard litter baskets, etc, are to be located generally in accordance with the plans and information submitted with the application.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided.

The design and construction of the stormwater management system must be approved by an accredited Certifier. The following must be included with the documentation approved as part of any Construction Certificate:

- Design/ construction plans prepared by a hydraulic engineer.
- A completed OSD Drainage Design Summary Sheet.
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains,

catchment areas, times of concentration and estimated peak run-off volumes.

- A completed OSD Detailed Design Checklist.
- A maintenance schedule

42. Construction Management Plan

A construction management plan must be submitted demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed throughout all stages of the development. The construction management plan must be submitted before a Construction Certificate is issued and complied with for the duration of works.

43. Erosion and Sediment Control/ Soil and Water Management Plan

The detailed design must be accompanied by an Erosion and Sediment Control Plan (ESCP) or a Soil and Water Management Plan (SWMP) prepared in accordance with the Blue Book and Council's Works Specification Subdivision/ Developments.

A SWMP is required where the overall extent of disturbed area is greater than 2,500 square metres, otherwise an ESCP is required.

An ESCP must include the following standard measures along with notes relating to stabilisation and maintenance:

- Sediment fencing.
- Barrier fencing and no-go zones.
- Stabilised access.
- Waste receptacles.
- Stockpile site/s.

A SWMP requires both drawings and accompanying commentary (including calculations) addressing erosion controls, sediment controls, maintenance notes, stabilisation requirements and standard drawings from the Blue Book.

An ESCP is required for this development.

44. Excavation/ Anchoring Near Boundaries

Earthworks near the property boundary must be carried out in a way so as to not cause an impact on adjoining public or private assets. Where anchoring is proposed to support excavation near the property boundary, the following requirements apply:

- Written owner's consent for works on adjoining land must be obtained.
- For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or Transport for NSW in the case of a classified road.
- Where anchoring within public land is permitted, a bond must be submitted to ensure their removal once works are complete. The value of this bond must relate to the cost of their removal and must be confirmed by Council in writing before payment.
- All anchors must be temporary. Once works are complete, all loads must be removed from the anchors.
- A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed.
- The anchors must be located clear of existing and proposed services.

Details demonstrating compliance with the above must be submitted to the Principal Certifier and included as part of any Construction Certificate or Occupation Certificate issued.

45. Sydney Water Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](https://www.sydneypwater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm) online service is available at:

<https://www.sydneypwater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

PRIOR TO WORK COMMENCING ON THE SITE

46. Tree Protection Fencing

Prior to any works commencing on site (including demolition) Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. The location of fencing shall be as per the Tree Protection Plan prepared by Birds Tree Consultancy dated 25/09/23.

The erection of a minimum 1.8m chain-wire fence to delineate the TPZ is to stop the following occurring:

- Stockpiling of materials within TPZ;
- Placement of fill within TPZ;
- Parking of vehicles within the TPZ;
- Compaction of soil within the TPZ;
- Cement washout and other chemical or fuel contaminants within TPZ; and
- Damage to tree crown.

The location of tree protection fencing can only be altered by the Project Arborist. The temporary relocation or removal of tree protection fencing to undertake works within the TPZs of trees to be retained is strictly to be undertaken under supervision of the Project Arborist.

47. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating "Tree Protection Zone No Access" (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.

48. Mulching within Tree Protection Zone

Prior to any works commencing on site all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.

49. Trenching within Tree Protection Zone

Any trenching or excavations for the installation of retaining walls, OSD, drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours notice) or under supervision of a project arborist.

If supervision by a project arborist is selected, certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

50. Engagement of a Project Arborist

Prior to works commencing, a Project Arborist (minimum AQF Level 5) is to be appointed and the following details provided to The Hills Shire Council's Manager – Environment & Health:

- a) Name:
- b) Qualification/s:
- c) Telephone number/s:
- d) Email:

If the Project Arborist is replaced, Council is to be notified in writing of the reason for the change and the details of the new Project Arborist provided within 7 days.

51. Erosion and Sedimentation Controls

Erosion and sedimentation controls shall be in place prior to the commencement of site works and maintained throughout construction activities, until the site is landscaped and/or suitably revegetated. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by the NSW Department of Housing.

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

52. Dilapidation Report

Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Principal Certifier.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access to the adjoining properties.

No less than seven days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where council is not the principal certifier) at the same time.

53. Groundwater Management

All the future requirements issued by WaterNSW under the Water Supply Work/or Water Supply License (WSL) must be complied with including any monitoring and reporting

54. Separate OSD Detailed Design Approval

No work is to commence until a detailed design for the Onsite Stormwater Detention system has been approved by an accredited Certifier.

55. Traffic Control Plan

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

56. Erosion and Sediment Control/ Soil and Water Management

The approved ESCP or SWMP measures must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

DURING CONSTRUCTION

57. Project Arborist

The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites.

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the PCA within 14 days of completion of the works.

58. Construction Noise

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)*.

59. Mechanical ventilation in Food Premises

Exhaust hoods are to be of a stainless steel construction with an internal 50mm x 50mm gutter and unscrewable drainage plug at one corner. They are to have removable grease filters for cleaning.

Documentation shall be submitted to the certifying authority that the ventilation system has been installed and is operating in accordance with:

- i. AS1668.1:2015 – *The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings*; and
- ii. AS1668.2:2012 – *The use of ventilation and air-conditioning in buildings PART 2: mechanical ventilation in buildings*.

60. Construction and Fit-out of Food Premises

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of *Australian Standard AS 4674-2004 – Design, construction and fit-out of food premises* and the provisions of the Food Standards Code (Australia). This includes, but is not limited to:

- The intersection of floors with walls and exposed plinths in food preparation, storage and serving areas are to be coved.
- All walls are to be solid construction. Solid construction is defined as brick, concrete blocks, autoclaved aerated concrete or preformed panels that are filled with suitable material.
- Pipes and conduits adjacent to walls are to be set a minimum of 25mm off wall face with brackets. Pipes and conduits entering floors, walls or ceilings are to be fitted with a flange and all gaps fully sealed.
- Hand wash basins:
 - Must be provided, not obstructed and accessible at bench height and no further than 5 metres from any place where open food is handled or prepared; and

- Must be fitted with a tap that operates hands free with a permanent supply of warm running potable water delivered through a single outlet.

Note: Copies of AS 4674-2004 may be obtained from www.saiglobal.com by visiting the website: www.saiglobal.com and copies of the Food Safety Standards Code (Australia) may be obtained from Food Standards Australia New Zealand by visiting the following website www.foodstandards.gov.au.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

61. Landscaping Prior to Issue of any Occupation Certificate

The landscaping of the site shall be carried out in accordance with the relevant "Planting Requirements" Condition of the subject Development Consent prior to issue of an Occupation Certificate. The Landscaping shall be either certified to be in accordance with the approved plans by an Accredited Landscape Architect or be to the satisfaction of Council's Manager Environment and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

62. Food shop registration requirements

Prior to the issue of any Occupation Certificate, the food business shall be registered with The Hills Shire Council. To register with Council please complete and submit the 'registration of food business' form which is available on Council's website.

63. Food Premises Final Inspection

Prior to the issue of any Occupation Certificate, the food premises shall be inspected by an Authorised Officer of The Hills Shire Council under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design Construction and Fit-out of Food Premises.

64. Post-construction dilapidation report

Before the issue of an occupation certificate a post- construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the Principal Certifier, detailing whether:

- a. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- b. where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and

a copy of the post-construction dilapidation report must be provided to Council (where council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s).

65. Creation of Restrictions/ Positive Covenants

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via dealing/ request document or Section 88B instrument associated with a plan. Council's standard recitals must be used for the terms:

a) Restriction/ Positive Covenant – Onsite Stormwater Detention

The subject site must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

b) Restriction/ Positive Covenant – Water Sensitive Urban Design

The subject site must be burdened with a positive covenant that refers to the water sensitive urban design elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

c) Positive Covenant – Stormwater Pump

The subject site must be burdened with a positive using the “basement stormwater pump system” terms included in the standard recitals.

66. Groundwater Requirements management and discharge

Prior to the issue of the Occupation Certificate, the consent holder must submit a compliance certificate prepared by suitably accredited qualified Geotechnical Engineer certifying that the Groundwater and Management condition within this consent has been satisfied. The compliance certificate shall also certify that the Water Supply Work/ or Water Supply License (WSL) issued by WaterNSW have been satisfied.

These requirements shall be reflected on the Occupation Certificate and supporting documentation prior to the issue of the Occupation certificate by the Principal Certifier.

67. Pump System Certification

Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a hydraulic engineer.

68. Stormwater Management Certification

The stormwater management system must be completed to the satisfaction of the Principal Certifier prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the stormwater management system and prior to a final inspection:

- Works as executed plans prepared on a copy of the approved plans;
- For Onsite Stormwater Detention (OSD) systems, a certificate of hydraulic compliance (Form B.11) from a hydraulic engineer verifying that the constructed OSD system will function hydraulically;
- For OSD systems, a certificate of structural adequacy from a structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime;
- Records of inspections; and
- An approved operations and maintenance plan.

Where Council is not the Principal Certifier a copy of the above documentation must be submitted to Council.

72. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- One copy of the final plan.
- The original administration sheet and Section 88B instrument.
- All certificates and supplementary information required by this consent.
- An AutoCAD copy of final plan (GDA2020/ MGA Zone 56).

73. Public Road/ Road Widening Dedication

An Occupation Certificate must not be issued until the proposed public roads/ road widening have been dedicated in accordance with the undertaking submitted relating to 1m wide dedication within the Norbrik Road frontage.

74. Section 73 Compliance Certificate

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created.

Sydney Water's guidelines provide for assumed concurrence for the strata subdivision of a development approved by an earlier consent covered by a compliance certificate.

The only other exception to this is for services other than potable water supply, in which case the requirements of Flow Systems/ Box Hill Water as a network operator under the Water Industry Competition Act 2006 would apply. A separate certificate of compliance would need to be issued for those works.

THE USE OF THE SITE

75. Hours of Operation

The hours of operation being restricted to the following: -

Commercial Offices

5am to 6pm on Monday to Friday*

*Authorised staff access is permitted for 7 days/24 hours subject to sufficient parking being provided for the function centres on Friday and weekends in accordance with condition 8.

Café (ground level):

6am – 11pm Monday to Sunday

Rooftop Bar and Roof top Function Centre

11am to 12am on Sundays to Thursday and public holidays**

11am to 2am on Friday, Saturday and New Years Eve*

**The outdoor rooftop terrace is to be fully enclosed from 10pm

Level 1 Function Centre

11am to 12am on Monday to Sunday and public holidays**

**The outdoor area is to be fully enclosed from 10pm

Any alteration to the above hours of operation will require the further approval of Council.

76. Maximum Number of Patrons for the Function Centres

The maximum number of patrons for both function centres are to be restricted to 720 at any given time during weekdays (except Friday night and New Year's Eve) and 1,060 at any given time on weekends, Friday night and New Year's Eve.

77. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the use of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area(s), which must include provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public place. Waste storage area(s) must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

78. Waste and Recycling Collection

All waste generated on the site must be removed at regular intervals. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the previous written approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

79. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of Obtrusive Effects of Outdoor Lighting*.

80. Final Acoustic Report

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the NSW EPA's - Industrial Noise Policy and submitted to Council's Manager - Environment and Health for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the activities does not give rise to "offensive noise" as defined under the *Protection of the Environment Operation Act 1997*.

81. Offensive Noise - Acoustic Report

The use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council staff, an acoustic assessment is to be undertaken (by an appropriately qualified consultant) and an acoustic report is to be submitted to Council's Manager – Environment and Health for review. Any noise attenuation measures directed by Council's Manager - Environment and Health must be implemented.

82. Operational noise level limits

The operational noise limits for the development shall be in the accordance with the noise limits as outlined in the Acoustic Assessment and Report prepared by Resonate Consultants, referenced as S220459RP1 Rev C, dated 10 May 2023 and further information letter referenced as S220459LT1B, dated 13 November 2023.

These noise limits are:

Location	Time period	Project noise level LAeq(15min)
When measured at the boundary of the development of any residential premises	Day 7am – 6pm	46
	Evening 6pm – 10pm	43
	Night 10pm – 7am	38
Retirement village	Day 7am – 6pm	58
	Evening 6pm – 10pm	48
	Night 10pm – 7am	43
Norwest Hospital	All	33 (internal)
		48 (external)

Notwithstanding the criteria above, noise generated from the premises shall not be audible within any habitable room in any residential premises between the hours of 10pm and 7am.

83. Hours of operation for waste collection, delivery / dispatch of goods

Delivery of goods shall be restricted to the following times;

Monday to Saturday – 7.00am to 10.00pm

Sunday and public holidays – 8.00am – 10.00pm

84. Plan of Management

The land uses are to operate in accordance with the Plan of Management prepared by Georges Grounds Pty Ltd, submitted with the development application and as amended as follows:

- Building management to be contactable via an intercom located near the roller shutter doors to enable the roller shutters to open and shut outside of business hours.
- Acoustic mitigation measures annotated on plans for the Level 1 function hall and Level 7 Roof Top terrace function hall and restaurant as referenced under condition 1.

A copy of the plan of management is to be maintained at the premises and be made available for any Authorised Officer when requested.