

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:

- All west facing windows serving bedrooms in levels 2-6 of the serviced apartments are to be installed with obscured glass and all balustrades serving balconies facing commercial office buildings are to be of obscured glass and at least 1.6m from the finished floor level.
- The proposed substation is to be relocated in order to maintain adequate sight distance and ensure that all access driveways comply with the sight distance requirements of AS2890.1-2004 and AS2890.2-2018.
- All utility services in the public domain are to be screened or as required by the relevant service provider.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION/ISSUE	DATE
DA002	Demolition Plan	A	11/10/2019
DA010	Site Plan	F	17/06/2020
DA100	Basement 2 Level	F	17/06/2020
DA101	Basement 1 level	F	17/06/2020
DA102	Lower Ground Floor Plan	F	17/06/2020
DA103	Ground Floor Plan	F	17/06/2020
DA104	Upper Ground Floor Plan	F	17/06/2020
DA105	Level 1 Floor Plan	F	17/06/2020
DA106	Level 2 Floor Plan	D	1/06/2020
DA107	Level 3 Floor Plan	B	22/01/2020
DA108	Level 4 Floor Plan	B	22/01/2020
DA109	Level 5 Floor Plan	B	22/01/2020
DA110	Level 6 Floor Plan	B	22/01/2020
DA111	Level 7 Floor Plan	B	22/01/2020
DA112	Level 8 Floor Plan	B	22/01/2020
DA113	Roof Plan	C	24/01/2020
DA200	West & North Elevation	C	22/01/2020
DA201	East & South Elevation	A	25/10/2019
DA202	Internal Elevation 1 & 2	A	11/10/2019
DA300	Section A-A & B-B	A	25/10/2019

DA301	Section C-C, D-D & E-E	B	20/11/2019
DA400	Materials Finishes Schedule	A	11/10/2019
DA410	View 1 Photomontage	B	17/06/2020
DA411	View 2 Photomontage	B	24/01/2020
DA411	View 2 Photomontage	B	24/01/2020
DA412	View 3 Photomontage	C	22/01/2020
DA413	View 4 Photomontage	A	11/10/2019
DA414	View 5 Photomontage	A	11/10/2019
DA502	Staging Diagram	E	1/06/2020
-	Landscape DA Report (including landscape plans) prepared by Turf Design Studio	G	July 2020

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. Vehicular Access for Stage 2

As the vehicular access for Stage 2 relies upon the driveway to be constructed within the property to the north at 21-23 Lexington Drive, Construction Certificate for Stage 2 of the development should be issued post development consent of DA 172/2021/HA. If this development consent has not been obtained prior to the commencement of Stage 2, the new driveway on the adjoining property is to be constructed by the landowner of the subject development consent.

4. 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.

5. External Finishes

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

6. Compliance with Norwest Association Requirements

Compliance with the requirements of Norwest Association Limited as outlined in their letter dated 13 February 2020.

7. Provision of Parking Spaces

The development is required to provide 881 off-street car parking spaces (including 6 tandem spaces) upon completion of Stage 2 of the development. These car parking spaces shall be available for off street parking at all times as follows:

Uses	Stage 2 – Provision of Car Parking Spaces
Bella Vista Hotel (Pub)	129 spaces for 420 patrons (Monday – Friday 7am – 6pm) 234 spaces for 790 patrons (Monday – Friday After 6pm)
Commercial Offices	515 spaces (Monday – Friday 7am – 6pm)
Other uses (food and drink premises, wellness centre)	216 spaces

and serviced apartments)	
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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:

- 105 of the 515 spaces dedicated to the office component are to be freely available after 6pm on week nights and on weekends for exclusive use of the patrons of the Bella Vista Hotel.
- The security point obstructing access to the commercial office spaces needs to be open from 6pm onwards so that the car parking spaces are open/ available for the exclusive use of the patrons of the Bella Vista Hotel.

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

8. Separate application for signs

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

9. Separate Development Application – Food and Drink Premises Occupations

A separate Development Application is required for the use and 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.

Where a Development Application is required, the application should specifically address the following:

- Proposed use and its permissibility
- Hours of operation
- Delivery Details
- Staff Numbers
- Acoustic impacts
- Signage, and
- Parking Provision

10. Property Numbering and Cluster Mail Boxes for Multi Dwelling Housing, Residential Flat Buildings, 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 property address for this development is:

Building A & D - 15 Lexington Drive Bella Vista

Building B & C - 17 Lexington Drive Bella Vista

Building E - 2 Woolworths Way Bella Vista

Unit numbering plans supplied do not comply with Council and NSW Addressing Policy. Plans relating to this development must be renumbered to reflect the approved numbering. Land Information has prepared marked plans to reflect the correct unit numbering marked as

DWG No: DA010 & DA100-DA112, Rev: F, Dated: 17/06/2020 marked up within consent documentation; and as follows:

Level	Building A	Building B	Building C	Building D
Lower Ground 2	N/A	LG201-LG202	N/A	N/A
Lower Ground 1	N/A	LG101-LG102	N/A	N/A
Ground	G01-G02	G04-G06	G07-G08	G03
One	N/A	101	102	N/A
Two	201-202	215-220	221	203-214/Dual Keys A & B
Three	301-302	317-322	323	303-316/Dual Keys A & B
Four	401-402	417-422	423	403-416/Dual Keys A & B
Five	501-502	517-522	523	503-516/Dual Keys A & B
Six	N/A	615-620	621	601-614/Dual Keys A & B
Seven	N/A	715-720	721	701-714/Dual Keys A & B
Eight	N/A	813-818	819	801-812/Dual Keys A & B

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.

Mail Boxes

Cluster mail boxes are to be located as shown on plans submitted marked as DWG No: DA010, Rev: F, Dated: 17.06.2020 marked up within consent documentation.

Cluster mail boxes are to be located within the lobby area **or** perpendicular to the street front within the site on the public footpath boundary within easy reach from a public road for the postal delivery officer. The number of mail boxes to be provided is to be equal to the number of units, plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at Building A – 15 Lexington Dr. Approval from Australia Post is required to be submitted to Council regarding the approved positions of the cluster mail boxes contact Australia Post, GregoryDimmock, email:gregorydimmock@auspost.com.au

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.

11. Irrigation

An automatic watering system to be installed as a minimum to all raised planters on slab and gardens which fall over the basement. 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.

12. Retaining Walls

Walls of Central Courtyard feature planters are to be raised to a minimum 1000mm high (TOW 86.9) with integrated bench seating.

Throughout the development, the following soil depths for the approved plantings are to be achieved:

- 1.2m for large trees or 800mm for small trees;
- 650mm for shrubs;
- 300-450mm for groundcover; and
- 200mm for turf.

Note: this is the soil depth alone and not the overall depth of the planter.

Retaining walls to the north of Building C are to be constructed in accordance with terraced walls on the approved Landscape Plan.

13. Planting Requirements

All trees planted as part of any approved Landscape Plan 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.

14. Retention of Trees

All trees not approved for removal in the Retention of Trees Condition are to be retained and protected, including the following Council requirements:

- The location and construction of Potential Connection to Woolworths path is to strictly retain Tree 51. Path is to be constructed above ground using pier and beam construction under the supervision of a project arborist. The path is to include a cut-out leaving a minim distance of 600mm surrounding the trunk of the tree.
- No changes of level or retaining walls are permitted to the north-eastern boundaries of the site to ensure the retention of Tree 50, 51, 53, 72, and all neighbouring trees.

15. Tree Removal

Approval is granted for the removal of sixty-eight trees (68) as numbered and located in Appendix C of the Arboricultural Impact Assessment prepared by Eco Logical Australia dated 5/02/20 as: 8 - 10, 21, 22 - 49, 52, 54, 55, 56 - 59, 61 - 65, 67 - 71, 73 - 79, 86, 88 - 94, 114 - 121.

All other trees are to remain and are to be protected during all works.

16. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as 20191024.1/3101A/R2/AR, dated 31 January 2020 and submitted as part of the Development Application are to be implemented as part of this approval.

17. Contamination Assessment & Site Remediation

The recommendations of the Detailed Site Investigation Contamination Assessment and Report prepared by Soilsrock Pty Ltd, referenced as Project No. SRE557/BV/19/STG1&2, dated 3 October 2019 and submitted as part of the Development Application are to be implemented as part of this approval.

18. Ventilation for Basement Carpark

The basement car park is to be provided with ventilation in accordance with Australian / New Zealand Standard AS/NZS 1668.2 2012.

Certification of compliance shall be submitted to the Certifying Authority.

The exhaust from the basement carpark shall be positioned so as to not cause a nuisance due to odour or noise to an occupier of any residential premises.

19. 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.

20. 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.

21. 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.

22. Construction of Waste Storage Area - Stage 1

The waste storage area must be designed and constructed in accordance with the following requirements. The area must provide minimum storage facility for 2 x 10m³ compactors, 4 x 4.5m³ steel front-loading bins and 1 x food waste processor.

- The waste storage area must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above.
- The layout of the waste storage area 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 2.5m wide.
- The walls of the waste storage area must be constructed of brickwork.
- The floor of the waste storage area 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 must have a staff access door, which allows wheelchair access for adaptable sites. Suitable staff access doors are single or double swinging doors.
- All doors of the waste storage area, 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 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 commercial offices, serviced apartments and/or licenced hotel.
- The waste storage area 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 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 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 the owners of the site.
- Finishes and colours of the waste storage area are to complement the design of the development.

Example Bin Measurements (mm)

4.5m³: 2010mm (w), 1900mm (d) and 2014mm (h).

23. Construction of Waste Storage Area – Stage 2

The waste storage area must be designed and constructed in accordance with the following requirements. The area must provide minimum storage facility for 2 x 10m³ compactors, 3 x 4.5m³ steel front-loading bins and 1 x food waste processor.

- The waste storage area must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above.
- The layout of the waste storage area 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 2.5m wide.
- The walls of the waste storage area must be constructed of brickwork.
- The floor of the waste storage area 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 must have a staff access door, which allows wheelchair access for adaptable sites. Suitable staff access doors are single or double swinging doors.
- All doors of the waste storage area, 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 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 commercial offices, serviced apartments and/or licenced hotel.
- The waste storage area 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 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 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 the owners of the site.
- Finishes and colours of the waste storage area are to complement the design of the development.

Example Bin Measurements (mm)

4.5m³: 2010mm (w), 1900mm (d) and 2014mm (h).

24. Access and Loading for Waste Collection

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian Standard 2890.2-2018 for the standard 12.5m long Heavy Rigid Vehicle (minimum 4.5m clear vertical clearance). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 4.5m. Any nearby areas where the clear headroom is less than

4.5m 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 for the 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 heavy rigid vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

25. 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.

26. 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.

27. 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.

28. Vehicular Access and Parking (Stages 1 & 2)

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:

Stages 1 & 2

- 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.

Stage 2

The vehicular access for the Stage 2 should be consistent with the final design profile approved over the right of way on the northern property.

29. Minor Engineering Works (Stages 1 & 2)

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.

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. The application form for a minor engineering works approval is available on Council's website and the application and inspection fees payable are included in Council's Schedule of Fees and Charges.

• **Driveway Requirements**

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

The proposed driveway/s must be built to Council's heavy duty standard.

With the exception of the southern entry and exit driveways to the above ground car parking, all other driveways must be a minimum of 6m wide for the first 6m into the site, measured from the boundary

On high level sites a grated drain must be provided on the driveway at the property boundary.

Specifically, unless additional driveway crossings are clearly shown on the approved plans, only one driveway crossing is approved/ permitted.

A separate vehicular crossing request fee is payable for each driveway as per Council's Schedule of Fees and Charges.

Drainage pits on Lexington Drive impacted by the by the proposed and/or required amendment to the footpath crossing must be relocated to ensure 500mm away from the edge of the lay back of the crossing.

- **Southern Driveways – Building A**

The one-way vehicular access to the Building A is limited to Left in Left Out only due to close proximity to the roundabout. Appropriate signage must be placed within the development.

The proposed southern vehicular crossing across the footpath verge shown on the General Arrangement Plan Sheet 2 of 2 drawing C2-02 Revision D dated 23/9/2020 must be amended to be perpendicular to the road to comply with council's design standards as shown on Civil Works Details drawing C3-80.

The Driveway Longitudinal Section – E shown on the drawing C3-22 Revision B dated 10/11/2020 prepared by Calibre must be amended to ensure the gradient across the footpath verge to ensure 2-4% in accordance with Council's standards.

Footpath crossing of this southern driveway must be amended to be perpendicular to the road to comply council's design standards as shown on Civil Works Details drawing C3-80 Revision D dated 23/9/2020.

- **Shared Driveway over the northern property (Stage 2)**

The design, finish, gradient and location of all driveway crossings must be in accordance with the Driveway Longitudinal Section prepared by Calibre drawing 19-000743 SKC13 Revision a dated 10/11/2020.

- **Disused Layback/ Driveway Removal**

All disused laybacks and driveways must be removed and replaced with kerb and gutter together with the restoration and turfing of the adjoining footpath verge area. Specifically, this includes the removal of any existing laybacks, regardless of whether they were in use beforehand or not.

- **Site Stormwater Drainage**

The entire site area must be graded, collected and drained to respective rainwater tanks and water sensitive urban design (wsud) measures required under a separate condition, and be connected to underground public street drainage system.

- **Service Conduits**

Service conduits to each of the proposed new lots, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

30. 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.

31. Compliance with Sydney Metro Concurrence requirements

Compliance with Sydney Metro Concurrence requirements in Attachment A.

32. Endeavour Energy Requirements

Compliance with the requirements/recommendations of Endeavour Energy in Attachment B.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

33. Section 7.12 Contribution

Stage 1

Pursuant to section 4.17 (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 7.12 Contributions Plan, a contribution of \$844,555.17 shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Section 7.12 Contributions Plan.

You are advised that the maximum percentage of the levy for development under section 7.12 of the Act having a proposed construction cost is within the range specified in the table below;

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

Stage 2

Pursuant to section 4.17 (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 7.12 Contributions Plan, a contribution of \$704,350.84 shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Section 7.12 Contributions Plan.

You are advised that the maximum percentage of the levy for development under section 7.12 of the Act having a proposed construction cost is within the range specified in the table below;

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

34. Amended Arborist Report

An amended Arboricultural Impact Assessment is to be prepared by a suitably qualified Australian Qualification Framework Level 5 Arborist in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites is to include a Tree Protection Plan. The Tree Protection Plan is to document and describe the site specific tree protection measures to protect the trees on site and on adjacent sites which are to be retained and protected.

The Plan must be submitted to and approved by Council's Manager – Environment and Health prior to issue of Construction Certificate.

35. Landscape Plan

An amended Landscape Plan (to scale) for the landscaping of the site is to be prepared by a suitably qualified landscape architect or landscape designer and submitted to the satisfaction of Council's Manager - Environment and Health.

The plan must contain:

- a) Site boundaries and dimensions surveyed;
- b) North point, and scale (1:200 desirable);
- c) Existing and proposed levels;
- d) Details of all planter boxes to support balcony planting, including height to confirm the following minimum depths are achieved in accordance with Condition - Retaining Walls:
 - 1.2m for large trees or 800mm for small trees;
 - 650mm for shrubs;
 - 300-450mm for groundcover; and
 - 200mm for turf.

Note: this is the soil depth alone and not the overall depth of the planter.
- e) Planting and planter boxes, including height and material and irrigation to balconies on level 1-8 as indicated on approved Architectural Plans and Photomontages.
- f) A schedule of proposed planting, including botanical names, common names, quantities, pot size, expected mature height and staking requirements; and
- g) Planting plan including dense screen planting and small/medium native tree planting adjacent proposed driveway to the east of the site. Proposed Grevillea 'Peaches and Cream' is to be substituted with, or supplemented with additional hedge planting, with spaced trees between, extending to the Woolworths Way entry; and
- h) Quantities of Trees and planting mix "P6" for Podium Levels; and
- i) Locate trees 114-117 for removal on the Existing Trees Plan.

36. 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).

37. Fitout of the Gymnasium

Prior to the construction certificate which includes the fitout of a gymnasium an acoustic assessment shall be submitted to Council for assessment and acceptance as satisfactory.

The acoustic assessment shall consider the noise from the dropping of free weights and the potential impact of amplified music and neighbouring tenancies.

38. 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.

39. Construction Management Plan (Staged Works)

A construction management plan must be submitted demonstrating how the potential for conflict between the 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.

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. 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. Works in Existing Easement

All adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates, before a Construction Certificate is issued.

42. Works on Adjoining Land

Where the engineering works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate or Subdivision Works Certificate is issued.

43. 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 \$400,000.00 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 plus an additional 50m on either side (290m) multiplied by the width of the road (12m).

The bond must be lodged with Council before a Construction Certificate is issued.

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.

44. Security Bond – External Works

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The bond amount must be confirmed with Council prior to payment. The tendered value of the work must be provided for checking so the bond amount can be confirmed.

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council and is subject to all work being completed to Council's satisfaction.

45. Site Stormwater Management - Water Sensitive Urban Design Elements

Water sensitive urban design elements, Rainwater tanks (22.5kL for catchment 1 and 10kL for catchments 2 & 3), Ocean Guards and PSorb Storm Filters are to be provided.

The Stormwater Treatment Catchment Plan Sheets 1 & 2 Drawings 19-000743 C4-63 and C4-64 Revision B dated 10/11/2020 are conceptual only approved for development purposes only.

Detailed plans for the water sensitive urban design elements must be submitted for approval are amended to be reflective to the final impervious fraction, given consideration to the basement car parks and structures within each catchment.

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

The design and construction of the stormwater management system must be approved by either Council or an accredited certifier. A Compliance Certificate certifying the detailed design of the stormwater management system can be issued by Council. The following must be included with the documentation approved as part of any Construction Certificate:

- All model parameters and data outputs.
- Design/ construction plans prepared by a suitably qualified engineer.
- A maintenance schedule.

PRIOR TO WORKS COMMENCING ON THE SITE

46. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

PRIOR TO WORK COMMENCING ON THE SITE

47. Erection of Signage

In accordance with the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

- The name, address and telephone number of the Principal Certifier (Council);
- The name and telephone number (including after hours) of the person responsible for carrying out the works;
- That unauthorised entry to the work site is prohibited.

This signage must be maintained while the work is being carried out and must be removed upon completion.

48. Contractors Details

The contractor carrying out the external works must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

49. Management of Building Sites

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number.

50. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

51. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

52. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

53. Tree Protection Fencing

Prior to any works commencing on site, Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. The location of fencing, ground, and trunk protection shall be as per the Tree Protection Plan to be approved by Council Prior to CC required by the Amended Arborist Report condition of consent.

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.

54. 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.

55. 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.

56. Trenching within Tree Protection Zone

Any trenching for installation of 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.

57. 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.

58. 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.

59. Soil and Water Management Plan

A Soil and Water Management Plan is to be prepared. The plan shall be in accordance with *"Managing Urban Stormwater - Soils and Construction"* (Blue Book) produced by the NSW

Department of Housing. The plan is to be kept on site at all times and made available upon request.

The plan is to include a plan of management for the treatment and discharge of water accumulated in open excavations. Water containing suspended solids greater than 50 mg/L shall not be discharged to the stormwater system.

60. Notification of Asbestos Removal

Prior to commencement of any demolition works involving asbestos containing materials, all adjoining neighbours and Council must be given a minimum five days written notification of the works.

61. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

62. 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.

63. Property Condition Report – Public Assets

A property condition report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- Planned construction access and delivery routes; and
- Dated photographic evidence of the condition of all public assets.

64. 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>

DURING CONSTRUCTION

65. Survey Certificate

A survey certificate signed and dated (including contact details) from a registered land surveyor may be requested by the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building/structure in relation to all boundaries, and shall confirm the floor/coping level prior to any work proceeding on the building/structure.

66. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 6.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

67. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 6.6(2)(b) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

68. 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)*.

69. Stockpiles

Stockpiles of topsoil, sand, aggregate or other material capable of being moved by water shall be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

70. 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.

The Project Arborist is to supervise and certify the installation of tree protection fencing, and any ground or trunk protection is in accordance with the approved Tree Protection Plan to be supplied to Council prior to CC.

71. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work;
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

72. Construction and Fit-out of Food Premises

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas approved under this development application, 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 servery 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.

Certification shall be provided prior to the issue of an Occupation Certificate that the food premises and food handling areas approved under this development application comply with AS 4674-2004.

73. Liquid Fuel Storage

All liquid fuels on site are to be stored within bunded areas so as to prevent water pollution. Storage methods are to comply with Environmental Compliance Report – Liquid Chemical Storage, Handling and Spill Management Part B. Review of best Practice and Regulation dated 2005 by the Department of Environment and Conservation or as per an amended document.

74. Standard of Works

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

75. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of an Occupation Certificate. The Landscaping shall be either certified to be in accordance with the approved plan 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.

76. Clearance Certificate

On completion of the asbestos removal works a Clearance Certificate in accordance with Clause 474 of the Work Health and Safety Regulation 2017 shall be provided to the Principal Certifier.

77. Regulated Systems

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- a) Australian/New Zealand Standard AS/NZS 1668.1:1998 – The use of ventilation and air conditioning in buildings – fire and smoke control in multi-compartment buildings;
- b) Australian Standard AS 1668.2 – 2002 - The use of ventilation and air conditioning in buildings – ventilation design for indoor air contaminant control;
- c) Australian/New Zealand Standard AS/NZS 3666.1:2011 – Air handling and water systems of buildings – Microbial control – Design, installation and commissioning;
- d) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control - Operation and maintenance;
- e) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of cooling water systems; and
- f) Public Health Regulation 2012.

The regulated system is to be registered with Council by submitting an Application for Registration of Regulated Water Cooling/Warm Water Systems, available on Council's website www.thehills.nsw.gov.au prior to commissioning.

78. Public Pool/Spa Registration

The premise is to be registered with Council by completing and submitting a *Registration of Public Swimming and Spa Pools*, available on Council's website www.thehills.nsw.gov.au.

79. Property Condition Report – Private Assets

Before a Subdivision Certificate is issued, an updated dilapidation report must be prepared and submitted to Council. The updated report must identify any damage to adjoining properties and the means of rectification for the approval of Council.

80. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

81. Property Condition Report – Public Assets

Before an Occupation Certificate is issued, an updated property condition report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.

82. Consolidation of Allotments

All allotments included in this consent must be consolidated into a single allotment before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

83. 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.

84. Water Sensitive Urban Design Certification

An Occupation Certificate must not be issued prior to the completion of the WSUD elements conditioned earlier in this consent. The following documentation must be submitted in order to obtain an Occupation Certificate:

- WAE drawings and any required engineering certifications;
- Records of inspections;
- An approved operations and maintenance plan; and
- A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

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

85. 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 – Bedroom Numbers

The subject site must be burdened with a restriction using the "bedroom numbers" 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 restriction and a positive using the "basement stormwater pump system" terms included in the standard recitals.

d) Positive Covenant – Onsite Waste Collection

The subject site must be burdened with a positive covenant relating to onsite waste collection using the “onsite waste collection” terms included in the standard recitals.

86. Safe Operation of Loading Docks

Prior to the issue of any Occupation Certificate, a Dock Management Plan must be prepared to the satisfaction of Council to promote safe and efficient operation of the proposed loading docks and to avoid approaching trucks having to wait on public roads. The plan must address the following:

- Allocation of loading spaces
- Delivery times
- Controls on duration of stays
- Controls on placement of skips, pallets, etc.
- Procedures for tradesmen access and parking.
- Operating times.
- Truck access routes

THE USE OF THE SITE

87. Hours of Operation

The hours of operation being restricted to the following: -

Commercial Offices

Monday to Saturday 7am – 6pm

Bella Vista Hotel

As approved under parent consent 986/2010/HA or as otherwise conditioned in this consent.

Serviced Apartments

24 hours a day 7 days a week

Wellness Spa/Gym/Hair Salon

Monday to Sunday 7am - 11pm

The hours of operation of all food and drink premises is required to be addressed under a separate application or as required under SEPP (Exempt and Complying Development Codes) 2008.

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

88. 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 10pm

Sunday and public holidays – 8.00am – 10pm

The loading bays are to be kept clear for that purpose at all times.

89. 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*.

90. Offensive Noise

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to “offensive noise” as defined under the provisions of the *Protection of the Environment Operation Act 1997*.

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to noise greater than 5dBLAeq 7am to 10pm and must be inaudible at the boundary of a residential premises 10pm to 7am.

91. Operation of Regulated Water Cooling/Warm Water Systems

Regulated systems must be operated in accordance with:

- AS/NZS 3666:2011 *Air handling and water systems of buildings – Microbial Control – Operation and Maintenance*;
- The *Public Health Act 2010*, Part 3 Division 2 Legionella Control;
- The *Public Health Regulation 2012*, Part 2 Legionella Control; and
- Legionella Control in Cooling Water Systems, NSW Health Guidelines

92. Registration and Operation of a Commercial Swimming Pool

The swimming pool shall be designed and operated in accordance with the *Public Health Act 2010*, Part 3, Division 3 Control of Public Swimming Pools and Spa Pools and the *Public Health Regulation 2012*, Part 3 Control of Public Swimming Pools and Spa Pools.

Prior to the operation of the pool the pool is to be registered with the Council.

93. 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.

94. 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.

95. Bella Vista Hotel Patrons (Stage 2)

The number of patrons at the Bella Vista Hotel is to be restricted as follows:

420 Patrons on Monday to Friday 7am – 6pm

790 Patrons on Monday to Friday After 6pm

790 Patrons for the approved hours of operation on Saturday and Sunday