

PART A – ADMINISTRATIVE CONDITIONS

1. Construction Certificate & PC Notification

Before any site works, building or use is commenced, the person having the benefit of the development consent must:

- a. obtain a Construction Certificate from Shellharbour City Council or other accredited certifier, and
- b. appoint a Principal Certifier.

2. Prescribed Conditions

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2021*.

3. Development in Accordance with Plans and Documents

The development must be in accordance with the following approved Development Application plans and documents as endorsed by Council's stamp. Where there is an inconsistency between the approved plans/documentation and conditions of consent, the conditions of consent take precedence to the extent of the inconsistency.

Name of Plan/Document	Prepared By	Drawing/Document No./Revision	Drawing/Document Date
Site Plan	Smart Studio Design	DA001 revision B	19.06.2023
Ground Floor Plan	Smart Studio Design	DA100 revision D	13.09.2023
First Floor Plan	Smart Studio Design	DA101 revision C	27.09.2023
Roof Plan	Smart Studio Design	DA102 revision B	19.06.2023
Elevation Plans	Smart Studio Design	DA400 revision D DA401 revision E	13.09.2023 27.09.2023
Section Plan	Smart Studio Design	DA450 revision B	05.06.2023
Waste Management Plan	MRA Consulting Group	Version 1.1	14.06.2023
Landscape Plans	Group GSA	13294-L-2001 Issue 3 Landscape Report Issue 3	19.09.2023 19.09.2023
Signage Plans	Smart Studio Design	DA980 revision B	21.06.2023
Stormwater Drainage Concept Plan	DSC Consulting Engineers	SK-1/3 SK-2/3 SK- 3/3	19.03.2023
Acoustic Report	Inhabit	17219-RPT-AC0001[05] revision 5	2.09.2023
BCA Assessment Report	Jensen Hughes	116915-BCA-r2	22.05.2023
Access Assessment Report	Jensen Hughes	116915 – Access – r2	23.05.2023

NCC Section J Report	Inhabit	17219-RPT-ES0001[01] revision 01	14.06.2023
Transport Assessment	Ason Group	P2092 r01 revision iv	11.04.2023
Operational Plan of Management	Applicant	Revision 3	August 2023

4. Compliance with Notations on Drawings

Works must comply with any notations highlighted on the approved plans and specifications.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. Food Premises - Plans & Specifications

Details of the construction and fit out of food premises (kitchen) must be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

The plans and specifications must demonstrate compliance with:

- a. Approved Plans & Specifications;
- b. Food Act 2003 (as amended);
- c. Food Regulation 2015 (as amended);
- d. Food Standards Code as published by Food Standards Australia;
- e. New Zealand and Australian Standard AS4674:2004 Design, Construction and fit out of food premises (as amended); and
- f. Sydney Water - Trade Waste Section.

The detailed plans of the kitchen fit out must be submitted to the Certifying Authority for approval. The following details are to be included in the kitchen fit out:

- a. A separate hand basin must be provided in the kitchen. The hand basin must have hot and cold water delivered through a single outlet.
- b. A dishwasher and a single bowl sink, or a double bowl sink, (with a supply of cold and hot water) must be provided in the kitchen for cleaning purposes.
- c. Coving must be installed at the intersection of floors with walls/plinths and shall be integral to the surface finish of both the floor and wall so as to form a continuous uninterrupted surface.
- d. Light fittings in the kitchen shall be;
 - i. Designed and constructed to prevent contamination of food should the globe or tube shatter; and
 - ii. Free from any features that would harbour dirt, dust, insects or make the fitting difficult to clean.
 - iii. Fluorescent lights must be fitted with diffuser covers.

6. Cleaners Sink

Prior to the issue of a Construction Certificate detailed plans of the cleaners sink or sluice sink must be submitted to the Certifying Authority for approval. The cleaners sink or sluice sink (for

cleaning the kitchen floor) is to be provided for disposing of mop water and similar liquid waste. It shall be provided with hot and cold water. It can be located outside the kitchen.

7. Kitchen Exhaust Design

If a mechanical exhaust system is provided in the kitchen then this exhaust and any mechanical ventilation must discharge through the roof of the building and must comply with AS 1668.2 - Part 2 (Ventilation Design for Indoor Air Contaminant Control).

The kitchen exhaust and any mechanical ventilation and associated ductwork must not discharge through, or be attached to, the outside wall or outside face of the building.

This information must be provided to the Certifying Authority for approval prior to the issue of the Construction Certificate

8. Sydney Water Trade Waste Agreement

Provide written documentation from Sydney Water that indicates that a trade waste agreement has been entered into for the grease trap that will be utilised for the food business operations. Or written documentation from Sydney water advising a grease trap is not required for these premises. This information must be provided to the Principal Certifying Authority prior to issue of the Construction Certificate.

9. Mechanical Plant Noise

Prior to the issue of a construction certificate, a review of the proposed mechanical design must be conducted by a suitably qualified acoustic consultant. The following requirements apply:

- a. An assessment of noise from the proposed mechanical plant must be based upon the octave band sound power data for the proposed equipment, to be provided by the library services engineer.
- b. To limit the risk of acoustic disturbance, cumulative noise impacts associated with mechanical plant servicing neighbouring tenancies must be considered.
- c. The assessment of mechanical plant should include corrections for potentially annoying characteristics if required, e.g. humming, low frequency content, tonal, intermittency, etc.
- d. The acoustic report shall consider noise emission from the mechanical plant proposed by the services engineer, and based upon the octave band sound power data provided by the services engineer. The predictions should indicate conformance of the Library to the LAeq (15 minute) 40dB criterion when measured at the closest affected residential receiver locations.

Confirmation that the mechanical design complies with the requirements above (a-d) is to be submitted to the Certifying Authority.

10. Flooding Planning Level

The Probable Maximum Flood (PMF) Level for the proposed development and site are as follows:

Proposed Development	1% Annual Exceedance Probability (AEP) flood level	Probable Maximum Flood (PMF) Level
Community facilities,	None	6.2m AHD

library and visitor centre		
----------------------------	--	--

An engineers report to certify that impacted structures can withstand the forces of floodwater, debris & buoyancy up to and including a PMF flood is to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

11. Flood Deflection Wall Design

A detailed structural design of the proposed flood wall on the Southern alignment of the site is to be provided to the Certifying Authority for approval.

The flood wall must also to be certified by hydraulic engineers for its suitability in deflecting flood water as intended in the document titled "Shell Cove Boat Harbour Precinct: Precinct D Library & Community Centre - Flood Assessment" by Advisian Worley Group dated 13th September 2023. The flood wall is to be generally designed in accordance with the concept design approved on plan project No. 1811, drawing DA100 REV D, DA400 REV D and DA401 REV E.

12. Detailed Drainage Design

A detailed drainage design of the site must be submitted and approved by the certifier prior to the release of the Construction Certificate. The detailed plan must:

- a. be generally in accordance with STW CONCEPT ref no. 8243 prepared by DSC Consulting Engineers on 19/03/2023,
- b. drain to the existing stormwater pit in accordance with the approved plans,
- c. indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines,
- d. be to the satisfaction of the Certifying Authority,
- e. be designed to cater for a 1 in 20 year Average Recurrence Interval storm event,
- f. overflow drainage paths are to be provided and be designed to cater for 1 in 100 year Average Recurrence Interval storm event,
- g. comply with Council's Shellharbour Development Control Plan unless variation is specifically noted and approved on DA concept drainage plan.
- h. Pipes under buildings shall be structurally designed to withstand all applied forces. Pipes with a grade of greater than 12% require anchor blocks at the top and bottom of the inclined section and at a maximum interval of 3 metres

13. Bond - Existing Street Trees - 4

A deposit in accordance with Council's Fees & Charges must be lodged with Council prior to the issue of the Construction Certificate to ensure that the existing street trees (four) are maintained in the same condition as found before the start of any building work on the site.

14. Protection of Street Trees

Any existing street trees must be enclosed with temporary protective fencing to prevent any activities, storage or the disposal of materials within the fenced area. Details of the design and location of the vegetation protective fencing must be shown on the building plans and must be approved by the accredited certifier prior to the issue of the Construction Certificate. The protective fence must:

- a. be located a minimum of 1.5m from the base of the tree
- b. have a minimum height of 1.5m
- c. be clearly marked at all times with the use of high visibility plastic hazard tape.

Any street tree that is damaged or removed during works must be replaced.

15. Lighting Design

Prior to the issue of a Construction Certificate, details of external lighting design is to be submitted to Shellharbour City Council for approval. The following provisions are to be included:

- a. Ensure there are no lighting concealment spots adjacent to the public space.
- b. Leave a limited amount of internal lighting on at night to enable Police, security guards and people passing by to monitor activities within the building.
- c. Ensure entry and exit points are adequately lit.
- d. Pedestrian pathways and access routes should be lit.
- e. Areas should enable users to identify a face 15 metres away.

PART C - PRIOR TO COMMENCEMENT OF WORKS

16. Building Plan Approval - Sydney Water

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development will affect Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Sydney Water's Tap in™ online service is available at:

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

The Certifier must ensure that Sydney Water Tap in™ has issued the appropriate electronic approval prior to the commencement of any works.

17. Protection Fencing

The street tree protection fencing must be installed prior to works commencing.

18. Dilapidation Report

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a Dilapidation Report. The report must be supported with suitable photographic records. This information must be submitted to Council prior to the commencement of work.

19. Construction Traffic Management Plan

Prior to the commencement of works a Construction Traffic Management Plan is to be submitted to, and approved by, Shellharbour City Council. The Construction Traffic Management Plan is to include the following details:

- a. construction vehicle routes;

- b. anticipated number of trucks per day;
- c. hours of construction;
- d. Off-street parking areas for construction workers;
- e. Occupancy of on-street parking spaces during construction;
- f. Access arrangements; and
- g. Proposed traffic measures to minimise impacts of construction vehicles.

20. Erosion & Runoff Controls

Before work starts, appropriate erosion and runoff controls must be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, stormwater systems or watercourses.

These controls may include the following (where applicable):

- a. erect a silt fence,
- b. limit the removal or disturbance of vegetation and topsoil,
- c. divert uncontaminated run-off around cleared or disturbed areas,
- d. install sediment traps/socks around any stormwater inlets and drainage lines,
- e. stockpile topsoil, excavated material, construction and landscaping materials and debris within the site. These should be covered or seeded to prevent loss of these materials,
- f. provide a single vehicle access to the site including measures to prevent the tracking of sediment off the site, and
- g. provide adequate control measures to suppress dust.

These measures must be in place prior to commencement of any excavation or construction works.

21. Section 138 Roads Act 1993

For works within the road reserve, the requirements of the Section 138 of the *Roads Act 1993* apply. In this regard:

- a. If any other works are proposed and/or occupation of the road reserve proposed, a Road Opening Application must be made.

This application must be made prior to any works commencing within the road reserve and an application fee in accordance with Council's Fees and Charges will apply.

22. Structural Details

The following structural details must be provided to the Certifying Authority prior to commencing work:

- a. structural engineer's design for all reinforced concrete footings and slabs,
- b. structural engineers design for all structural steel beams, framing and connections,
- c. roof truss and bracing details, and
- d. manufacturer's specifications for any patented construction systems.

23. Site Management Plan

Prior to the commencement of works, a construction and site management plan must be

prepared that clearly sets out the following:

- a. what actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like,
- b. the proposed method of loading and unloading excavation machines, building materials and formwork within the site,
- c. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period,
- d. sediment and erosion control measures as per Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' also known as the 'Blue Book' or subsequent revisions,
- e. how it is proposed to ensure that soil/excavated materials are not transported on wheels or tracks of vehicles or plant and deposited on the roadway, and
- f. the proposed method of support to any excavation adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an appropriately qualified and experienced engineer.

PART D - DURING CONSTRUCTION WORKS

24. Connection to Council Pit and/or Pipe

Any connection to a Council pit and/or pipe must:

- a. be made at the pipe obvert (pipe only),
- b. be through a hole that is neatly made by cutting or drilling with any reinforcement encountered cut away,
- c. not protrude past the inner surface of the pit and/or pipe,
- d. have all junctions finished with 2:1 cement mortar,
- e. have a minimum pipe size of 150mm in diameter and either sewer grade PVC or concrete, and
- f. when the diameter of the connection is more than 1/3 the diameter of the Council pipe, connection is to be made by construction of a standard pit.

All construction is to be carried out as per Shellharbour Engineering Code requirements.

The Certifying Authority must arrange for a satisfactory inspection by Shellharbour City Council prior to backfilling. At least one working day's notice is required for the inspection and is to be arranged through Council's Customer Services.

An inspection fee will apply in accordance with Council's Fees & Charges.

25. Protection of Public Places

Where the work involves the erection or demolition of a building and the work is likely to or will cause pedestrian or vehicular traffic in public places (e.g. a footpath) to be obstructed, diverted, rendered inconvenient and enclosed, or similar, a Class B hoarding must be erected between the work site and/or over the public place.

If existing pedestrian access is impeded or obstructed, safe alternate provision must be provided.

If a hoarding is not necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any hoarding, fence or awning must be removed when the work has been completed.

Any proposed hoarding, fence or awning proposed within the road reserve will require a specific approval under section 138 of the Roads Act 1993. An application fee will apply in accordance with Council's Fees and Charges.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

26. Unexpected Finds Contingency

- a. Should any contamination or suspect material be encountered during site preparation, earth works, construction or any other stage of the development, then works must cease immediately and a suitably qualified consultant engaged to conduct a thorough contamination assessment.

In the event that contamination remediation is required, all works must cease and the Council must be notified immediately. The contamination assessment must be submitted to Council for Approval.

All recommendations provided in the contamination assessment must be followed as stipulated.

- b. If any Aboriginal archaeological artefacts are encountered during construction works, all ground disturbance in the area of the find must cease and the Department of Industry and Environment (DPIE) be contacted immediately to determine an appropriate course of action in line of relevant legislation.

27. Hours of Work During Building Work

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or public holiday.

28. Maintenance of Erosion & Runoff Controls

The soil and water management controls must be maintained at all times and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include, but is not limited to:

- a. ensuring all sediment fences, sediment traps and socks are properly placed and are working effectively.
- b. drains, gutters and roads must be maintained clear of sediment at all times.

It is an offence under the *Protection of the Environment Operations Act 1997* to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

29. Waste Management

The management of waste must comply with the approved Waste Management Plan. Any variations to the Waste Management Plan must have prior written approval of Council.

30. Storage of Materials

Building materials and equipment must not be stored on the road reserve/footpath area.

31. Survey Certification

A report from a registered surveyor must be provided to the Principal Certifier on completion of the ground floor slab formwork prior to the concrete being poured and/or prior to external walls being raised above ground floor level where there is no ground floor slab.

The report must certify all of the following:

- a. the distance of the structure to all boundaries of the allotment are in accordance with the approved plans,
- b. the height of the floor level/s in relation to the natural ground level are in accordance with the approved plan.

Australian Height Datum must be used.

32. Cut/Fill

The cut and fill areas must:

- a. be suitably retained,
- b. be in accordance with the approved plans,
- c. have a maximum grade of 45 degrees (1:1) where there is no retaining wall or no other method of stabilising the cut/fill area, and
- d. not exceed 1m in depth outside the external walls of a building, unless otherwise approved in writing by Council.

PART E - PRIOR TO OCCUPATION

33. Occupation Certificate

Compliance with all conditions of Parts A to E must be verified by the Principal Certifier prior to issue of a final Occupation Certificate. The building must not be used until the Principal Certifier issues an Occupation Certificate.

34. Acoustic Compliance Report

Prior to the issue of the occupation certificate, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of Council that the acoustic mitigation measures have been implemented as per the acoustic report prepared for the construction certificate.

35. Music Noise Controls

Prior to the issue of an occupation certificate, a review of the proposed sound system must be conducted by a suitably qualified acoustic consultant and submitted to the Certifying Authority.

- a. This review must confirm the sound system design has incorporated the recommended music control measures.

36. Food Premises - Inspection & Registration

Prior to the issue of any Occupation Certificate or occupation or use of any food premises

(kitchen) a satisfactory final inspection must have been undertaken by the Principal Certifying Authority certifying that the food premises including any food storage areas complies with the:

- a. Approved Plans and Specifications;
- b. Food Act 2003,
- c. Food Regulation 2015,
- d. Food Standards Code as published by Food Standards Australia (as amended);
- e. New Zealand and Australian Standard AS4674:2004 Design, Construction and fit out of food premiss (as amended) and
- f. Sydney Water - Trade Waste Section.

37. On Street Parking Spaces

Prior to the issue of an Occupation Certificate the on street parking spaces to be utilised during construction are to be reinstated as parking spaces to the satisfaction of Shellharbour City Council.

38. Repairs to Public Infrastructure

Any damage to public infrastructure, other than that previously noted in the Dilapidation Report (refer Part C), is the responsibility of the developer. All damage must be repaired and reinstated prior to the issue of the Occupation Certificate. This work must be carried out by Council, or Council approved contractor, at the developer's expense.

39. Section 73 Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. This Section 73 Certificate must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 2092.

40. Works As Executed - Stormwater Drainage

Prior to the issue of an Occupation Certificate, Works As Executed Plans must be submitted to the Certifying Authority by a registered surveyor certifying compliance of all drainage works with the approved design plans.

The Works As Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans.

This plan must verify surface and invert levels on all pits, invert levels and sizes of all pipelines, and finished surface levels on all paved areas. All levels must relate to Australian Height Datum.

These plans must be accompanied by a compliant ADAC XML digital file. All details to be in accordance with the ADAC Data Capture Guidelines specifications, which is available on Council's website.

41. Completion of Landscape Works

The unbuilt upon land, with the exception of the paving, must be landscaped in accordance with the approved landscape plan prior to the issue of an Occupation Certificate. Landscape or turf areas must not be reduced or replaced with hard impermeable surfaces. Any variations to the design or species used must be authorised by Council in writing before any changes are made.

A report from a suitably qualified person must be provided to the Principal Certifier on completion of the landscape works certifying that the landscape is in accordance with the approved Landscape Plan.

42. Street Tree Pre-Occupation Inspection

The street trees must be inspected by Council prior to the occupation of the development. It is the responsibility of the developer to notify Council for the street tree inspection.

43. CCTV Requirements

Prior to the issue of an Occupation Certificate CCTV cameras are to be installed as per the following requirements:

- a. CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:
 - i. principal entrance/s and exits;
 - ii. all areas within the premise occupied by the public (excluding toilets);
 - iii. staircases in multilevel premises; and
 - iv. Coverage of all external areas within a 10m radius of the proposed development, particularly covering areas where public seating is proposed and at the external entry doors to the public amenities.
- b. Suitable and clearly visible signage be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".

44. Flood Emergency Kit

A Flood Emergency Kit should be prepared to the satisfaction of the Principle Certifying Authority prior to issue of the Occupation Certificate. The kit should be located on the level which is at or above the PMF level, and made conspicuous and easily accessible to management staff at all times. The Kit should include but not be limited to the following items as minimum:

- a. A Flood Emergency Response letter, prepared by a practicing engineer with experience in Floodplain Risk Management, that details;
 - i. local flood; levels, depths, duration, timing, extents, building floor levels and their relationship to local flood levels
 - ii. closest PMF refuge areas and safe evacuation routes (both internal and external to site)
 - iii. building floor levels and relationship to local flood levels
 - iv. possibility of over floor flooding and expected depths
 - v. possibility of local roads being closed due to flooding,
 - vi. the need and capability for occupants to wade out or use a vehicle to escape rising flood water

- vii. access and egress availability for emergency services
- viii. consideration of local Emergency Plans and Council adopted Flood Study recommendations
- a. Emergency service contact information (SES, Police, Ambulance, Hospital etc.)
- b. Provision of emergency communications i.e. battery operated AM/FM radio and Two-way radios etc.
- c. Food, water, First Aid, medical supplies, batteries, chargers and other essential supplies for all visitors if a stay-in-place evacuation strategy is advised by the State Emergency Service (SES).

45. Plan of Management

Prior to the issue of an occupation certificate, an updated Plan of Management must be submitted to Shellharbour City Council for approval. The Plan of Management must include the following additions:

- a. the mechanical plant, patron and music noise criteria and the recommended control measures as detailed in the acoustic report as follows:
 - i. Audio equipment is limited to a maximum volume of 75dBC measured 3m¹ from the main loudspeakers;
 - ii. Live music can be hosted in the venue, however, the sound level must be below 75dBC. Drum kits or other instrument that produce sound levels that cannot conform to the limit, or cannot be automatically limited are not appropriate for the venue;
 - iii. Installing noise monitors and limiters to maintain internal noise levels below 75dBC;
 - iv. Educating patrons about the need to remain considerate of adjacent businesses and residences with respect to noise levels whilst on site through internal signage;
 - v. Providing contact details to the Community for a Council representative who has the authority to take appropriate action to manage activities within the Centre.
- b. Hours of operation as per the relevant condition of this consent
- c. Hours of delivery as per the relevant condition of this consent

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Not Applicable

PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION

46. Hours of Operation

The hours of operation are restricted to:

- a. Library:
Wednesday to Friday 10am till 5pm
Saturday and Sunday 10am till 3pm
- b. Visitor Information Centre:
9am till 6pm 7 days a week
- c. Community Centre:
Meeting Rooms available for bookings

Monday – Friday 10am – 5pm.
Saturday and Sunday 10am till 3pm

Function Room available for bookings
Monday – Friday 9am till 5pm
Saturday 9am till 11pm with outdoor area available till 9pm
Sunday/Public Holidays – 10am till 10pm, no use of outdoor area after 9pm.

- d. Public Amenities - Open daily, to be locked after dark

Unless approved in writing by Shellharbour City Council.

47. Plan of Management

The facilities are to be managed in accordance with the approved Plan of Management as amended by the condition of this consent. Any further amendments to the Plan of Management are to be approved in writing by Shellharbour City Council.

48. Neighbourhood Amenity

- a. Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- b. The management must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council.

49. Compliance Monitoring

A validation report must be obtained from a suitably qualified acoustic consultant, being an employee of a member firm of the Association of Australasian Acoustical Consultants (AAAC), after commencement of the use but no later than six months after the commencement of operations. The report must be submitted to Council within 28 days of noise measurements.

- a. The report must demonstrate and certify that noise emission from the development, satisfies the acoustic conditions of this development consent.
- b. The validation report must address (but not be limited to) the cumulative effect of mechanical plant and equipment, noise generated from all patrons on the premises (both indoors and outdoors) and music noise.
- c. Any recommendations contained in the validation report must to be implemented in accordance with the report to the satisfaction of Council within 1 month of Council giving their approval for the recommendations.

50. Noise Control - Use of Premises

The use of the premises shall operate in compliance with the approved Acoustic report and Plan of Management as referenced in this consent.

- a. No music or entertainment is to be held in the outdoor areas at any time.
- b. All doors to outdoor areas are to be kept closed after 9:00pm.
- c. Deliveries to the site are to be limited to the hours of 7:00am to 10:00pm.

- d. Glass bottle and rubbish disposal is to be conducted between the hours of 7am and 6pm only.

51. Building Use

The building has been approved as a Community Facility and an Information and Education Facility as defined in Shellharbour Local Environmental Plan 2013 as follows:

Community facility means a building or place-

- (a) owned or controlled by a public authority or non-profit community organisation, and
(b) used for the physical, social, cultural or intellectual development or welfare of the community,
but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

Information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

Approval is not given or implied to any other use under this consent.

52. Street Tree Bond Refund

The street tree bond will be refunded following a six month maintenance period commencing from the date of the issue of the Occupation Certificate, provided the street trees remain in a satisfactory condition. In the event that any street trees are found damaged, dying or removed, Council will have the option to retain the whole or part of the bond. The developer/Certifying Authority must notify Council for a reinspection of the street trees.

53. Signage

Signage approved as part of DA0272/2023 as shown on plan reference DA980 revision B prepared by Smart Design Studio dated 21.06.2023. Additional signage, including window signage and illuminated signage, must not be erected or displayed without first gaining development consent from Shell harbour City Council unless the sign is in accordance with the requirements of State Environmental Planning Policy (Exempt & Complying Development Codes) 2008).

PART H – OTHER APPROVALS

Not Applicable

REASONS FOR THE IMPOSITION OF CONDITIONS

1. To minimise any possible adverse environmental impacts of the proposed development.
2. To ensure that the amenity and character of the surrounding area is protected.
3. To ensure that the design and siting of the development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
4. To ensure that the development does not conflict with the public interest.

CCTV

The following recommendations are provided by NSW Police in relation to the operation of the required CCTV system.

- a. All CCTV recording equipment and cameras be of high-grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.
- b. CCTV recording discs or hard drive recordings be retained for 28 days before being re-used, destroyed, or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment should be capable of reproducing a CD, DVD, or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs should be handed to Council, Police Officer or Special Inspectors as required.
- c. All CCTV recording devices and cameras be checked daily to ensure the equipment is operating correctly. The Licensee shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.
- d. All CCTV recording devices and cameras be operational at all times.
- e. The CCTV recording device be secured within the premises and only be accessible to senior management personnel to maintain the integrity of the recorded footage. When the premises are operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- f. Camera views are not to be obstructed by temporary or permanent structures, signage, or other impediments.

Alcohol Consumption

This consent neither permits nor prohibits the consumption of alcohol onsite. The consumption, service or sale of alcohol is subject to the relevant licence and approval issued by the Office of Liquor and Gaming and/or other authorities as relevant.

END OF NOTICE