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## RECOMMENDED CONDITIONS OF DEVELOPMENT CONSENT

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**DA No:** DA-266/2011  
**Property:** 92 Parramatta Road, LIDCOMBE  
**Description:** Alterations and additions to existing bulky goods premises, internal reconfiguration of tenancies including creation of new tenancies and use of 3 tenancies for retail sales

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### 1. Approved Plans

The development is to be carried out in accordance with the approved stamped plans as numbered below:

<b><i>Plan Number</i></b>	<b><i>Prepared By</i></b>	<b><i>Revision No.</i></b>	<b><i>Dated</i></b>
ADA103 Ground, Mezzanine, Level 1 Plan	The Buchanan Group	F	21 July 2011
ADA400 Elevations	The Buchanan Group	C	21 July 2011
ADA502 Section D, E	The Buchanan Group	C	21 July 2011
ADA502 Section P & Z	The Buchanan Group	B	21 July 2011
ALD103 Ground, Mezzanine, Level 1 Lease Plan	The Buchanan Group	D	21 July 2011
Waste Management Plan	Restifa and Partners		25 July 2011

except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979*).

Reason:- to confirm and clarify the terms of Council's approval.

### 2. Time period of consent

This consent shall lapse five (5) years from the date of determination unless the approved building, engineering or construction work has been physically commenced in accordance with this consent.

Development consent for the use of land does not lapse if the approved use of any land, building or work is actually commenced prior to the date on which the consent would otherwise lapse.

Reason:- to satisfy the requirements of Section 95 of the *Environmental Planning and Assessment Act 1979*.

### 3. Submission of Construction Certificate

Construction works are not to commence until such time that a construction certificate for the proposed works has been issued by Council or an Accredited Certifier.

**NOTES:**

Where an Accredited Certifier issues a construction certificate, a copy of the following documents must be forwarded to Council within 7 days of issue, together with payment of the Council's adopted registration fee: determination; application to which it relates; construction certificate issued; plans and specifications; any fire safety schedule; and any other documents lodged with the certificate.

Any modification involving building works to the approved development made under Section 96 of the *Environmental Planning and Assessment Act 1979* requires the submission of an amended construction certificate.

Reason:- to comply with the requirements of Section 81A of the *Environmental Planning and Assessment Act 1979* and clause 142 of the *Environmental Planning and Assessment Regulation 2000*.

4. **No alteration without prior Council approval**

The completed building is not to be altered externally in character or colour without the prior consent of Council.

Reason:- to ensure the external appearance of the development is not obtrusive or offensive and does not degrade the visual quality of the surrounding area.

5. **Contribution Payments - Traffic Management Accessibility Plan (TMAP) for Parramatta Road Commercial Precinct**

A sum of \$30,577.49 shall be paid to Council for the for the implementation of the recommendations of the TMAP for the subject site. Contributions shall be paid to Council in full prior to the issue of any Construction Certificate for the development.

Reason:- To assist in the provision of traffic management infrastructure along Parramatta Road

6. **Auburn DCP 2007: Section 94 Development Contributions**

Development Contributions are payable in accordance with Auburn Council Council's Section 94 Development Contribution Plan 2007, which has been prepared under Section 94 of the *Environmental Planning and Assessment Act 1979*, as amended.

The amounts payable will be adjusted in accordance with the section titled Review of Contribution rates and are generally indexed on a quarterly basis by the Consumer Price Index CPI (all Groups Sydney) unless otherwise stated in the plan.

Contributions will be adjusted at the payment date in accordance with the plan and payment is to be made prior to the issue of a Construction Certificate.

Council's Development Contribution Plan 2007 is available for inspection at Council's Customer Services Centre, Civic Place, 1 Susan Street, Auburn or on line at [www.auburn.nsw.gov.au](http://www.auburn.nsw.gov.au).

A sum of **\$187,000.00** is to be paid to Council for the purpose of the provision of additional services and public facilities that is likely to generate from employment generating development with the Auburn LGA.

The above sum is broken down to the following items:

Item	Amount
Employment Generating Development	\$187,000.00
<b>TOTAL</b>	<b>\$187,000.00</b>

Reason:- to assist in the provision of additional services and public facilities that is likely to generate from employment generating development with the Auburn LGA.

#### 7. **Appointment of Principal Certifying Authority/Notice of Commencement of Work**

Site works are not to commence until:-

- a) a construction certificate for the building work has been issued by the consent authority, and
- b) the person having the benefit of the development consent has:-
  - i) appointed a principal certifying authority for the building work, and
  - ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- b1) the principal certifying authority has, no later than 2 days before the building work commences:-
  - i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
  - ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:-
  - i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - ii) notified the principal certifying authority of any such appointment, and
  - iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

Reason:- to comply with the requirements of Section 81A of the *Environmental Planning and Assessment Act 1979*.

#### 8. **Fit-out of Retail Tenancies**

The Fit-out of tenancies T1 (Ground level Supermarket), T18 (ground Level discount department store) and T32 (Ground Floor liquor store) are to be the subject of a further application to Council. This includes all internal and specialist areas such as storage

areas, staff areas, food preparation and specialist tenancy signage.

All other tenancies will be the subject of further applications for the use and fit out of the respective tenancy.

Reason:- to ensure suitable approval is sought for the internal fit-out of the approved supermarket, discount department store and liquor store.

9. **Principal Certifying Authority**

- 1) The person having the benefit of a development consent or complying development certificate for development involving building work or subdivision work may appoint the the council or an accredited certifier as the principal certifying authority for the development.
- 1A) Despite subsection (1), such an appointment may not be made by any contractor or other person who will carry out the building work or subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out.
- 2) Despite subsection (1), an accredited certifier must not be appointed as the principal certifying authority for development involving subdivision work unless the subdivision to which the work relates is of a kind identified by an environmental planning instrument as one in respect of which an accredited certifier may be a certifying authority.
- 3) A principal certifying authority for building work or subdivision work to be carried out on a site is required to be satisfied:-
  - a) that a construction certificate or complying development certificate has been issued for such of the building work or subdivision work as requires development consent and over which the principal certifying authority has control, before the work commences on the site, and
  - b) that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the *Home Building Act 1989*, before any residential building work over which the principal certifying authority has control commences on the site, unless the work is to be carried out by an owner-builder, and
  - c) that the owner-builder is the holder of any owner-builder permit required under the *Home Building Act 1989*, before an owner-builder commences on the site any residential building work over which the principal certifying authority has control, and
  - d) that building work or subdivision work on the site has been inspected by the principal certifying authority or another certifying authority on such occasions (if any) as are prescribed by the regulations and on such other occasions as may be required by the principal certifying authority, before the principal certifying authority issues an occupation certificate or subdivision certificate for the building or work, and
  - e) that any preconditions required by a development consent or complying development certificate to be met for the work before the issue of an occupation certificate or subdivision certificate have been met, before the principal certifying authority issues the occupation certificate or subdivision certificate.
- 4) A principal certifying authority must also comply with such other requirements of a like or different nature as may be imposed on principal certifying authorities by the

regulations.

**Note.** Section 81A prohibits the commencement of building work or subdivision work unless the consent authority has been notified of the appointment of a principal certifying authority for the work. Section 109D (2) prohibits the issue of an occupation certificate authorising the occupation and use of a new building except by the principal certifying authority appointed for the erection of the building. Section 109D (3) prohibits the issue of a subdivision certificate for a subdivision involving subdivision work except by the principal certifying authority appointed for the carrying out of the subdivision.

Reason:- to comply with the requirements of Section 109E of the *Environmental Planning and Assessment Act 1979*.

10. **Provision of Street Numbers**

A street number is to be displayed in a prominent position at the entrance to the premises. Numbers are to be of a colour contrasting with the wall to which they are affixed.

Reason:- to clearly identify the street number of the property.

11. **Compliance with the Building Code of Australia**

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

Reason:- to ensure compliance with the requirements of the Building Code of Australia and to comply with Clause 98 of the *Environmental Planning and Assessment Regulation 2000*.

12. **Commonwealth Disability Discrimination Act**

The *Commonwealth Disability Discrimination Act 1992* commenced the 'Disability (Access for Premises – Buildings) Standards 2010' on 1 May 2011 and now applies to all new buildings and affected parts of existing buildings. Submission and/or approval of this application does not imply or confer compliance with either the Act or the new Access Standard. Applicants should satisfy themselves and make their own inquiries to the Human Rights and Equal Opportunity Commission.

Reason: to provide advice on the requirements of the *Commonwealth Disability Discrimination Act 1992*.

13. **Replacement of Principal Certifying Authorities**

Unless the relevant authority so approves in writing, a person may not be appointed to replace another person as the principal certifying authority for development.

A principal certifying authority appointed to replace another principal certifying authority must ensure that notice of the appointment and of the approval of that appointment is given to the consent authority (and, if the consent authority is not the council, to the council) within 2 days of the appointment.

Reason:- to comply with the requirements of Section 109EA of the *Environmental Planning and Assessment Act* and clause 162 of the *Environmental Planning and Assessment Regulation 2000*.

**14. Notice to Allow Inspections**

To allow a principal certifying authority or another certifying authority time to carry out critical stage inspections or any other inspections required by the principal certifying authority, the principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before building work is commenced at the site if a critical stage inspection is required before the commencement of the work.

*Reason:-* to comply with the requirements of Clause 163 of the *Environmental Planning and Assessment Regulation 2000*.

**15. Erection of Signs**

A rigid and durable sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:-

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

*Reason:-* to comply with the requirements of Clause 98A and 136B of the *Environmental Planning and Assessment Regulation 2000*.

**16. Separate Development Consent**

No additional signs, whether for advertising, directory or identification purposes or for any other purpose, are to be erected on the land without the written consent of Council having first been obtained.

*Reason:-* to limit and control advertising.

**17. Business and building identification signage**

Business and building identification signage shall comply with the following:-

- a) The approved signage shall be appropriately maintained at all times.
- b) The signage shall be utilised as building and business identification signage only and shall not be adapted or altered to be third party advertising signage without the further consent of Council.
- c) The signage shall not:-

- i) flash, move, be animated, scintillate or be decorated with rotating flashing lights;
  - ii) include any apparatus to provide any sound;
  - iii) carry a message(s) which is offensive;
  - iv) give instructions to traffic by the use of the words 'Halt', 'Stop', or any other direction, nor imitate traffic signs in respect to shape, layout or colour;
  - v) contain interchangeable or movable parts;
  - vi) impair or distract the vision of a driver through the intensity of the illumination of the sign;
  - vii) must not impede the ability of the occupants to exit the building under emergency conditions.
- d) The wording to the signage shall be primarily displayed in English but may include a translation in another language.

Reason:- to ensure the appearance and operation of the signage is in an orderly fashion.

#### 18. **Construction/Demolition Hours**

Site works, building works and demolition works, including the delivery of materials or equipment to and from the property are to be carried out between the hours of 7.00 am and 6.00 p.m. only, from Mondays to Fridays and between 8.00 am and 4.00 p.m. only, on Saturdays. No construction works or deliveries for the construction are to take place on Sundays or public holidays.

Prior to commencement of any demolition or construction work the applicant is to erect signs on the site, which are clearly visible from the footpaths adjoining the site boundaries, which state the permitted construction/demolition hours. These signs must also state "Any instances of site works, building works, demolition works or deliveries outside the permitted hours can be reported to Auburn Council on 9735-1222 during office hours or 0417-287-113 outside office hours".

Reason:- to reduce nuisance to the surrounding properties during the construction period.

#### 19. **Information required prior to the issue of Construction Certificate**

The following documentation (where applicable) is to be submitted to Council or the accredited certifier, **prior to the granting of the construction certificate**:

- a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.
- b) A list of any existing fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*)
- c) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*)

Reason:- to ensure that adequate information is submitted to enable assessment or that the development can proceed with the concurrence of others.

#### 20. **Infrastructure Fee**

The infrastructure inspection fee in accordance with Council's Fees and Charges Schedule shall be paid prior to the issue of the Construction Certificate.

Reason: to contribute to the cost of inspection and identification of any damage to Council's infrastructure as a result of the development.

21. **Maintain plans on-site**

A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.

Reason:- to ensure a record of the approved plans are readily available.

22. **PCA – Inspection of works – general & site management**

The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant if permitted by the PCA) to monitor compliance with Council's approval and the relevant standards of construction.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be maintained by the principal certifying authority.

Upon inspection of each stage of construction, the principal certifying authority (or other suitably qualified person on behalf of the applicant) is also required to ensure that adequate provisions are made for the following measures (*as applicable*), to ensure compliance with the terms of Council's approval:

- Sediment control measures
- Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
- Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

**ADVISORY NOTE**

*If Council is appointed as the PCA, the following critical inspections (as applicable to the development), must be arranged:*

- a) *Prior to the commencement of Building Works, ensure erosion controls PCA and the Builders signs are displayed and a temporary toilet is located on site.*
- b) *Prior to covering any stormwater drainage connections*
- c) *After the building work has been completed and prior to any occupation certificate being issued in relation to the building*

*A minimum of 48 hours notice must be provided to Council to enable the following inspections to be carried out during the course of construction*

Reason:- to ensure the development is adequately monitored during the construction phase.

23. **Items not to be placed on roadway**

The following items must not be placed on the footpath, roadway or nature strip at any time:-

- a) Building materials, sand, waste materials or construction equipment;
- b) Bulk bins/waste skips/containers; or



- c) Other items that may cause a hazard to pedestrians.

Reason:- to ensure the public is not inconvenienced, placed in danger and to prevent harm to the environment occurring.

24. **Sign to be erected concerning unauthorised entry to the site**

A sign must be erected in a prominent position stating that unauthorised entry to the site is not permitted. The sign must also name the builder or other person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours. Where Council is not the Principal Certifying Authority, the sign shall also display the name and contact details of the nominated Principal Certifying Authority. The sign is to be removed when the building works have been completed.

Reason:- to restrict public access to the site and to provide suitable contact details in a clear and conspicuous position.

25. **Toilet accommodation for people working at the site**

Suitable toilet accommodation is to be provided at the work site at all times. If temporary toilet accommodation is proposed, it must:-

- Have a hinged door capable of being fastened from both inside and outside,
- Be constructed of weatherproof material,
- Have a rigid and impervious floor; and
- Have a receptacle for, and supply of, deodorising fluid.

Reason:- to ensure suitable toilet accommodation is provided for workers.

26. **Fencing of Construction Sites – Rental details to be provided to the PCA**

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Hoardings or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

**NOTE: Should ANY part of the fence or hoarding encroach beyond the boundaries of the site, it will be necessary to:-**

- **Make payment to Council for the rental of the road reserve area in accordance with Council's adopted charges (per metre per month – minimum 3 months) BEFORE the fence/hoarding is erected.**

- **Supply evidence that the road reserve rental fee has been paid to the PCA and to any authorised Council officer.**
- **Comply with Council's specifications for the erection of Class A Hoardings.**

Reason:- to provide protection to public places and to prevent unauthorised access to the site.

27. **Display of a warning sign for soil and water management**

Throughout the construction/remediation/demolition period, a warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works.

Reason:- to ensure all building workers are aware of the need to maintain the sediment and erosion control devices.

28. **Noise from construction activities**

Noise from construction activities associated with the development shall comply with the NSW Interim Construction Noise Guidelines 2009 (DECCW)

Reason:- to ensure noise arising from construction activities is in accordance with relevant legislation and EPA requirements.

29. **Roads and Maritime Service Requirements**

Following matters requested in Roads and Maritime Service comments shall be addressed:

1. The layout of the proposed car parking areas associated with the development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1 - 2004 and AS 2890 - 2002 for service areas.
3. The swept path analysis plans of the longest service vehicle entering and exiting the subject site, as well as maneuverability through the site, shall be in accordance with AUSTROADS.
4. The required sight lines to pedestrians or other vehicles in or around the car park entrances should not be compromised by landscaping, signage, fencing or display materials. In addition, measures should be implemented to improve visibility to pedestrians and other vehicles where sight distance is restricted.
5. All vehicles should be wholly contained on site before being required to stop.
6. All loading and unloading activity shall occur on site.
7. All vehicles are to enter and leave the site in a forward direction,
8. The required sight lines to pedestrians or other vehicles in or around the car- park or entrances should not be compromised by landscaping, signage, fencing or display materials. In addition, measures should be implemented to improve visibility to pedestrians and other vehicles where sight distance is restricted.
9. A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and

traffic control should be submitted to Council for approval for different stages, prior to the issue of a Construction Certificate for each stage

10. All demolition and construction vehicles are to be contained wholly within the site and must enter the site before stopping,
11. The developer shall be responsible for all public utility adjustments/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
12. All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads and Maritime Service.

Details showing the compliance of above requirements shall be submitted to and approved by Principal Certifying Authority **prior to the issue of any Occupation Certificate.**

Reason: to ensure Roads and Maritime Service requirements are complied.

### 30. **Traffic Management**

A Demolition and Construction traffic management plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to and approved by Council for all demolition, excavation and construction activities associated with the development **prior to commencement of work.**

Reason:- to minimise the impact on street traffic.

### 31. **Service Relocation / Adjustment**

The applicant shall locate any utility services affected by the proposal and shall be responsible for any damage to, or relocation of services required by the proposal including adjustment to the levels of pit lids etc. All works shall be carried out to the satisfaction of the relevant Authority or Council.

All the costs shall be borne by the applicant.

Reason: to protect utility services

### 32. **Water Reuse**

The stormwater generated from the roof area shall be reused for the irrigation of the landscape area within the subject development site. In this regard minimum of **10.0 cum** storage shall be provided on site and the required roof area shall be directed towards the storage.

Full details of the Water reuse facilities shall be submitted to Council or the Accredited Certifier with the Construction Certificate.

On completion, a certificate from a registered plumber shall be submitted for the pipe network. The certification shall indicate the water reuse system has been installed in accordance with the approved water reuse design plans.

Reason:- to ensure the water reuse facilities within the development are constructed and maintained in good working order.

**33. Road opening permit**

Prior to commencement of any work on Council roads and footpaths, a road-opening permit shall be obtained from Council's Service Planning Department.

Reason:- to safeguard Council property against damage.

**34. Restoration works**

Prior to commencement of any excavation work on Council roads or footpaths, the applicant shall pay for all restoration costs. The area of restoration shall be determined on site between the applicant or its contractor and Council's Contracts & Maintenance Engineer.

Reason:- to ensure that Council's infrastructure is maintained in a safe and trafficable manner.

**35. Car parking to Comply with Approved Details**

The area set aside for the parking of vehicles, and so delineated on the plan prepared by the Buchanan Group and endorsed plan Drawing No ADA103 (Revision F) dated 21 July 2011, shall not be used for any other purpose.

Reason:- to ensure the car parking area is not used for purposes other than the parking of cars associated with the use.

**36. Vehicles Driven in Forward Direction**

All vehicles must be driven in a forward direction at all times when entering or leaving the premises.

Reason:- to preserve and enhance the safe operation of the car parking area.

**37. Signs for visitor and employee parking**

Suitable signs shall be erected at the front of the property indicating the availability of visitor parking within the property. All visitor and employee parking spaces shall be clearly signmarked.

Reason:- to delineate the spaces suitable for visitor and employee parking.

**38. Loading and Unloading of Vehicles**

All deliveries to and from the site are to be conducted from vehicles standing within designated loading areas and not on access driveways, car parking spaces or landscaped areas.

Reason:- to ensure delivery vehicles do not obstruct these designated areas of the site.

**39. Loading and Unloading of Vehicles**

All loading/unloading shall take place from the designated loading bay areas and under no circumstances are vehicles to stand on Parramatta Road, Nyrang Street, Hastings

Street and John Street for the purpose of loading/unloading.

Reason:- to ensure the loading and unloading of vehicles does not impact on adjoining development or the public.

40. **Protective bar to vehicular entry**

A protective bar shall be installed at the vehicular entry to the development to prevent damage from vehicles that are too high or those that fail to wait for the opening of any roller shutter etc. Details and installation of the proposed protective bar shall be noted on the Construction Certificate drawings and installed prior to the issue of Occupation Certificate.

Reason:- to prevent damage from oversized vehicles when entering the premises.

41. **Car park and service vehicle area layout**

- a) The layout of the car park shall comply with Australian Standard AS2890.1:2004 Parking Facilities Part 1: Off Street Parking. All parking spaces are to be line marked.
- b) The layout of the service vehicle area shall comply with Australian Standard AS2890.2:2004 Off Street Parking Part 2 – Commercial Vehicle Facilities.

Reason:- to ensure that the car parking and service vehicles areas are designed and constructed to meet relevant Australian Standards.

42. **Size Limit of Delivery Vehicles**

Vehicles making deliveries to the premises shall be limited to a maximum vehicle size of 14.4 metre articulated vehicles (AV) or smaller as defined by Australian Standard AS2890.2.

Reason:- to ensure adequate manoeuvring space is provided at the site.

43. **Hours of operation**

The hours of operation of the discount department store (tenancy T18) are limited to 8:00 a.m. to 12:00 pm. Monday to Friday and 8:00 a.m. to 10:00 p.m. Sunday and public holidays.

The hours of operation of the Liquor store (tenancy T32) are limited to 9:00 a.m. to 10:00 pm. Monday to Sunday inclusive

Reason:- to limit the operating hours of the development so as to reduce the likely nuisance on adjoining development.

44. **Use of building not to commence until conditions of consent satisfied**

The use of the premises is not to commence until all terms of this consent have been satisfied.

Reason:- to ensure compliance with the terms of the development consent.

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45. **Building not to be adapted for another use**

The building is not to be altered or adapted for another use without the prior consent of Council.

*Reason:-* the building has only been approved for this use and other uses require a separate approval of Council.

46. **Display of goods not permitted outside building or property**

Materials, goods, plant, equipment, signage, advertising structures or the like are not to be stored, placed or displayed anywhere outside the building or property without Council approval.

*Reason:-* to avoid visual intrusion into areas adjoining the site.

47. **CCTV Camera System**

The Management/Licensee shall install CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrance and exit doors. The surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request.

*Reason:-* to ensure that the use provides adequate visual surveillance and adequate records for the NSW Police to peruse is required.

48. **Removal of litter and graffiti:**

In addition to Council's street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.

The owner of the building shall also be responsible for the prompt removal of any graffiti from the building.

*Reason:-* to maintain a satisfactory level of amenity in the locality.

49. **Sublease of premises**

The premises shall be used solely as one unit and not sub-let or otherwise divided into separate sections and used for additional purposes.

*Reason:-* to ensure the premises are not sublet or separately occupied without the further approval of Council.

50. **Cleaning of facade**

The owner/manager of the building shall ensure that all windows on the facade, and the facade itself, of the premises are cleaned regularly and, in any event, not less than twice in an annual period.

*Reason:-* to ensure regular maintenance and cleaning to the exterior of the premises.

51. **Amenity**

The operation of the premises shall be conducted in such a manner as not to interfere

with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

Reason:- to protect the amenity of the locality.

52. **Odour**

No offensive odour from any trade, industry or process shall be detected outside the premises by an authorised Council Officer as defined in the *Protection of the Environment Operations Act 1997*.

Reason:- to protect the surrounding locality from offensive odours.

53. **Water Pollution**

The operation of the premises shall be conducted in a manner which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.

Reason:- to protect waterways and stormwater systems from pollution.

54. **Removal of Litter**

In addition to Council's street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.

Reason:- to maintain a satisfactory level of amenity in the locality.

55. **Energy Efficient Fixtures and Fittings**

All new electrical and water fixtures and fittings within the development are to be energy efficient. Detailed demonstrating compliance are to be submitted with the Construction Certificate application.

Reason:- To ensure energy efficient fixtures are to be installed within the new works

56. **No approval granted for a public address system or sound amplifying equipment**

A public address system or sound amplifying equipment shall not, without the consent of Council, be installed in or upon the premises so as to cause or permit the emission of sound onto any public place or nearby residential area.

Reason:- to ensure the development does not cause a noise nuisance to adjoining development.

57. **Noise and Vibration**

The use of the premises shall not give rise to any of the following when measured or assessed at "sensitive" positions within any other property. These "sensitive" positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

a) 'offensive noise' as defined in the *Protection of the Environment Operations Act*

1997.

- b) transmission of vibration to any place of different occupancy above the requirements of AS2670.

For assessment purposes, the above  $L_{Aeq}$  sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

Reason:- to ensure adequate acoustic amenity in the locality.

58. **Submission of Acoustic Report – Road Traffic Noise**

An Acoustic Report addressing road traffic noise shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the report shall also be provided to Council for records. The Acoustic Report shall address:-

- a) NSW Environmental Protection Authority's Environmental Criteria for Road and Traffic Noise 1999;
- b) Australian Standard 2107 Acoustics – Recommended design sound levels and reverberation times for building interiors;
- c) Australian Standard 3671-189 Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction.

Please note that any acoustic measures or building design and construction amendments required as a result of the Acoustic Report that conflict with the approved plans and conditions of consent may require the submission of a Section 96 Application to Council.

Reason:- to ensure adequate acoustic amenity to the development and ensure that the development is constructed in accordance with relevant Australian Standards.

59. **Intruder Alarms**

Any intruder alarm at the premises shall be fitted with a timing device in accordance with the requirements of Section 53 of the Protection of the *Environment Operations (Noise Control) Regulation 2000*.

Reason:- to prevent ongoing noise arising from intruder alarms and ensure compliance with relevant legislation.

60. **Trade waste containers to be stored within the building**

An adequate area is to be set aside within the building for the storage of trade waste containers. Such space must be reserved at all times for the storage of trade waste containers. The containers shall not obstruct or interfere with the use of loading and parking facilities and accessways.

Reason:- to ensure the trade waste containers are stored within the building to prevent vandalism, arson and possible pollution to the external environment.

61. **Trade Waste Agreement**

A copy of the *Permission to Discharge Trade Wastewater* shall be obtained from Sydney Water and a copy provided to Council prior to the issuing of the Construction Certificate. Please contact Sydney Water in relation to this matter.



A *Trade Waste Agreement* shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.

Reason:- to ensure the requirements of Sydney Water are complied with.

62. **Waste Collection**

Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the *Protection of the Environment Operations Act 1997*. Records shall be kept of all waste disposal from the site.

Reason:- to ensure waste is properly disposed of.

63. **Garbage Storage and Collection**

All garbage shall be removed from the site directly via the basement/at grade garbage storage area. Garbage bins shall not be stored on or collected from the footpath or kerb.

Reason:- to ensure that all garbage storage and collection is managed efficiently and without significant impact on the street.

64. **Contract for Waste Collection**

Prior to occupation of the premises the operator shall enter into a commercial contract for the collection of trade waste and recyclables generated at the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

Reason: to ensure suitable arrangements are in place for the collection of trade waste and recyclables arising from the premises.

65. **Final Fire Safety Certificate**

Prior to the occupation of the building, the owner of the building shall submit to the Principal Certifying Authority (Council or Accredited Certifier), a **final fire safety certificate** in relation to each essential fire safety measure specified in the **fire safety schedule**, attached to the development consent or construction certificate.

Such certificate shall state that each essential fire safety measure specified:-

- a) Has been assessed by a properly qualified person, and
- b) Was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.

**NOTES:**

- 1. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-
  - i) Must cause a copy of the statement (and current fire safety schedule) to be

- given to the Commissioner of NSW Fire Brigades, and
- ii) Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.
2. A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is , or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason:- to ensure compliance with Regulations 149 & 171 of the *Environmental Planning and Assessment Regulation 2000*.

#### 66. **Annual Fire Safety Statement**

The owner of any building in which fire safety measures are installed, must cause the Council to be given an **annual fire safety statement**, within 12 months after the last such statement or final fire safety certificate was issued.

The certificate shall certify:-

- a) That each essential fire safety measure has been assessed by a properly qualified person and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule.
- b) That a properly qualified person has inspected the building and has certified that, as at the date of inspection, the condition of the building did not disclose any grounds for a prosecution under Division C.

#### **NOTES:**

1. As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates:-
  - i) must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
  - ii) must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.
2. A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason:- to ensure compliance with Regulation 171 of the *Environmental Planning and Assessment Regulation 2000*.

#### 67. **Occupation Certificate**

A person must not commence occupation or use of the whole or part of a new building unless an occupation certificate has been issued in relation to the building or part.

The application for an Occupation Certificate must be made to the Principal Certifying Authority (Council or an accredited certifier) using the approved form.

Reason:- to comply with the requirements of Section 109M/N of the *Environmental Planning and Assessment Act 1979*.

68. **Exit Doors Installed in the Path of Travel**

A door in a required exit, forming part of a required exit or in the path of travel to a required exit, must be readily openable without a key from the side facing a person seeking egress, by a single handed downward action or pushing action on a single device.

Reason:- to ensure people can exit the building at all times and to comply with the requirements of D2.21 of the BCA

69. **Remove Hose Reel Obstructions**

Remove all obstructions to fire hose reel. The floor area immediately around the fire hose reel is to be suitably line marked with yellow paint to clearly delineate the area that is to be kept clear at all times.

Reason: to ensure that the hose reel is available at all times.

70. **Emergency Lighting and Illuminated Exit Signs**

A complete system of emergency lighting and illuminated exit signs is to be installed throughout the building.

Reason: to assist people exiting the building in the event of power failure.