

**PROPOSED CONDITIONS OF CONSENT**

**DEVELOPMENT APPLICATION NO. 664.1/2013  
JOINT REGIONAL PLANNING PANEL NO. 2013SYW105  
PROPERTY:**

**LOT 8 DP 238484, LOT 6 DP 236708, LOT 2 DP 534197, LOT 2 DP 215976, LOT 3 DP 216870, LOT 3 DP 217606, LOT 4 DP 236708, LOT 3 DP 540495, LOT 2 DP 539611, LOT 1 DP 539611, LOT 1 DP 570243, LOT 2 DP 570243, LOT 2 DP 548450, LOT 2 DP 549499, NO. 8-14 DUTTON LANE, & PART DUTTON LANE CABRAMATTA.**

**DESCRIPTION OF DEVELOPMENT:**

**DEMOLITION AND CONSTRUCTION OF A THREE (3) STOREY BUILDING COMPRISING GROUND LEVEL RETAIL OUTLETS, FIRST LEVEL CAR PARKING AND COMMERCIAL FLOOR SPACE AND THIRD LEVEL CAR PARKING, AND ASSOCIATED ROAD WORKS AND SUBDIVISION.**

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**APPROVED PLANS**

**1. Compliance with Architectural Plans and Finishes**

- a. The development shall take place in accordance with the approved development plans as prepared by Antoniades Architects, project number AA.MIX.1301, sheet number DA 0.01, issue D, dated 07/03/14, sheet number DA 0.02, issue C, dated 23/09/14, sheet number DA 1.01, issue S, dated 07/03/14, sheet number DA 1.02, issue L, dated 23/09/13, sheet number DA 1.03, issue L, dated 23/09/13, sheet number DA 2.01, issue H, dated 23/09/13, sheet number DA 2.11, issue A, dated 19/03/14 and sheet number DA 3.01, issue F, dated 23/09/13, except as modified in red by Council and/or any conditions of this consent.
- b. The external finishes, materials and colours of the development shall be generally in accordance with the Sample Board Schedule prepared by Antoniades Architects dated August 2013 and submitted with the development application. All other building materials shall be compatible in type, colour and texture throughout the whole project.

**2. Compliance with Drainage Plans**

Stormwater drainage for the development shall be generally in accordance with the concept stormwater plan prepared by ITM Design, Job No. 12-216, Drawing No. H-DA-01, Revision C, dated 24 March 2014 and any conditions of this consent.

### PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a Construction Certificate by a Certifying Authority. The Certifying Authority can be either Fairfield City Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a Construction Certificate.

#### 3. Final Stormwater Drainage Plan

The construction certificate application shall include a final detailed stormwater drainage plan and specifications suitable for construction, prepared by a suitably qualified and experienced stormwater drainage consultant. The consultant's qualifications shall be included on the stormwater plan. The final plan shall be in accordance with the abovementioned stormwater concept plan and shall comply with Fairfield City Council's Stormwater Drainage policy, AS3500 – 2003, conditions of this consent and the following:

- Stormwater lines within buildings to be tested in accordance with Section 10 of AS3500 – 2003.
- Stormwater details shall be designed in accordance with the structural design. The proposed structural design should be suitable for any proposed stormwater pipes within the building. Details of penetrations and expansion material shall be included in the structural design.
- Stormwater lines within the building shall be sewer grade and are to be fully watertight and protected against mechanical damage and structural movement of the building and foundations.

#### 4. Stormwater Drainage Certificate

Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that:

- a. Satisfactory arrangements have been made for the disposal of stormwater;
- b. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;
- c. The piped drainage system has been designed in accordance with Fairfield City Council's Stormwater Drainage Policy.

**Note:** Where Fairfield City Council is nominated to issue a Construction Certificate for stormwater drainage, the following details will be required:

- a. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to

that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.

- b. A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

### 5. **Works on Adjacent Roads – Approvals and Levels**

All approvals and levels for works on adjacent roads (i.e. footway area) must be obtained prior to the release of the Construction Certificate.

### 6. **Traffic Committee Approval**

Prior to the issue of a Construction Certificate, plans and specifications for all works and proposed changed traffic management arrangements (including the installation of the seagull intersection and changed street line marking and parking signage) within Hughes Street shall be submitted for the approval of the Fairfield Traffic Committee. If the service vehicles are to be permitted to park on the southern side of Hughes Street, between Park Road and Dutton Lane, the minimum lane width requirement for travelling lanes is to be complied with and a detailed Plan of Management for the use of these loading spaces shall be submitted for the consideration of the Traffic Committee. The plans should be generally consistent with the Proposed Traffic Management Arrangement plan prepared by Thomson Stanbury Associates, File No.13-043-2, Issue A, Sheet 2, dated 12 March 2014.

### 7. **Access to Footpath**

Prior to the issue of a Construction Certificate, proof that the internal floor levels with direct ground floor access to the road reserve, have been fixed with respect to the footway boundary levels shall be submitted to the Certifying Authority.

### 8. **Car Parking Design and Operation**

Prior to the issue of a Construction Certificate, submit to the Certifying Authority proof that:

- a. The option of implementing an electronic parking guidance system for the Dutton Lane car park complex which provides an up to date information regarding the number and availability of vacant car parking spaces, has been explored and, if practical, will be applied.

- b. The proposed car parking facilities comply with AS/NZS 2890.1:2004 shall be.
- c. The proposed ramp grades and clearances will comply with AS/NZS 2890.1:2004, in particular the limiting requirements in Chapter 2.5.3 and general requirements in Chapter 5.3.1.

### 9. **Construction Certificate (Engineering Approval)**

Prior to the issue of a Building Construction Certificate, a Construction Certificate (Engineering Approval) shall be submitted to the Certifying Authority for the construction of footpath, inter-allotment drainage works and drainage works external to the site in accordance with approved plans and specifications at no cost to Council.

For the issue of Construction Certificate (Engineering Approval), five (5) copies of plans and specifications giving full details of the design and construction shall be submitted with the application.

### 10. **Design Report for Energy Efficiency Installations for Buildings Class 2 - 9**

Prior to the issue of a Construction Certificate, a design report shall be submitted to the Certifying Authority, demonstrating that the proposed building complies with the pertinent requirements of Section J – Energy Efficiency of the Building Code of Australia. The design report shall identify and detail the methods required to achieve compliance with the Building Code of Australia.

### 11. **Section 94 Contributions**

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of Section 94 contributions (pursuant to the Environmental Planning and Assessment Act 1979) for works detailed in the administration sheet attached to this consent shall be submitted to the Certifying Authority.

The total contribution to be paid to Council (as applicable at the date of this consent) is **\$344,827.00** for fourteen (14) car spaces in Cabramatta.

The contribution amount payable will be adjusted at the date of payment to account for changes in infrastructure costs in line with the Australian Bureau of Statistics, Producer Price Index – Building Construction (New South Wales) and will be adjusted on a quarterly basis.

Council may allow for deferred payment of the monetary contribution in accordance with the provisions set out in the Direct (Section 94) Development Contributions Plan 2011. If approval to allow deferred payment is sought, such approval must be sought and obtained from Council prior to the issue of a Construction Certificate for the development. Council may refuse to allow deferred payment of the monetary contribution in its absolute discretion.

Refer to the Direct (Section 94) Development Contributions Plan 2011 for more information.

### 12. Construction Traffic and Pedestrian Management Plan

Prior to the issue of a Construction Certificate, a detailed Construction Traffic and Pedestrian Management Plan is required to be submitted to Council to demonstrate how access will be maintained to the existing properties, how pedestrian and vehicles will be managed and how construction vehicles will be accommodated onsite. The Plan should indicate the construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control. In particular the Plan should address:

- a. The management of off-street car parks in Council ownership, including those parts of the Dutton Lane car park facilities not subject redevelopment.
- b. Review of on-street parking arrangements particularly within the periphery of the town centre.
- c. The identification and potential to use nearby sites to temporarily accommodate the loss of parking
- d. Connection to significant parking areas in the surrounding area with a shuttle bus service during peak demand times; and
- e. Management of the principal contractor through contractual agreements to ensure effective traffic controls, signage and notification, consultation and the staging of major works are applied.

### 13. Waste Management Plan

- a. Prior to the issue of a Construction Certificate, a Waste Management Plan shall be submitted to and approved by Fairfield City Council. The Waste Management Plan shall be prepared in accordance with the requirements of the Fairfield City Council Waste Not DCP. The Waste Management Plan shall address the type of materials expected from demolition/construction; estimated volumes or tonnes of materials; proposed reuse or recycling methods; the contractors to be used; and the recycling outlet and/or landfill site.
- b. The walls of the garbage room shall be of solid construction.
- c. Prior to the issue of a Construction Certificate, details of the common grease arrestor (if there is any) shall be submitted to Council. The details shall include, but not be limited to, its location and capacity, nearest stormwater drains and method to contain spillage in the event of surcharging.

### 14. Deemed-to-Satisfy

The proposal as submitted does not comply with the Deemed-to-Satisfy provisions of the Building Code of Australia. Compliance with the performance requirements, by formulating an alternative solution or otherwise, shall be demonstrated to the Certifying Authority prior to the issue of a Construction Certificate.

### 15. Lighting & Security Camera Plan

- a. Prior to the issue of a Construction Certificate, a Lighting Plan for external areas shall be submitted to and approved by Fairfield City Council. The proposed lighting shall comply with relevant Australian Standards and provide external illumination levels of at least 75 lux when measured 900mm above ground level at any point on the footpath or pedestrian movement routes and 40 lux in loading areas or car parking areas.
- b. Prior to the issue of a Construction Certificate, a plan showing the location of High Density (HD) CCTV security cameras and proposed monitoring arrangements shall be submitted to and approved by Fairfield City Council. The location of cameras should ensure that areas with a low of natural surveillance are catered for.

### 16. **Sydney Water Consent**

The plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water asset and if any requirements need to be met. The plans will be appropriately stamped. All amended plans will require restamping.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick check agents details – see Building and Developing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and developing then Building and renovating

Or telephone 13 20 92

### **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

**The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. A Certifying Authority can either be Fairfield City Council or an accredited certifier. All of these conditions are to be complied with prior to the commencement of any works on site.**

### 17. **Construction Certificate Required**

Prior to the commencement of any building and construction works, a Construction Certificate is required to be issued by a Certifying Authority.

Enquiries regarding the issue of a Construction Certificate can be made to Council's Customer Service Centre on 9725 0222.

### 18. **Appointment of a Principal Certifying Authority**

Prior to the commencement of any construction works, the person having benefit of a Development Consent, or Complying Development Certificate must:

- a. appoint a Principal Certifying Authority; and
- b. notify Council of the appointment.

### 19. **Notify Council of Intention to Commence Works**

The applicant must notify Council, **in writing** of the intention to commence works at least two (2) days prior to the commencement of any construction works on site.

### 20. **Erosion and Sedimentation Control**

Prior to the commencement of any construction works on site, controls in accordance with Chapter 3.1.7 of the Fairfield City Wide DCP 2006 shall be implemented prior to clearing of any site vegetation, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

The documented erosion and sediment control plan shall be available on-site for inspection by Council Officers and all contractors undertaking works on the site.

**Note:** On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

### 21. **Toilet Facility**

Prior to the commencement of any construction works on site, a flushing toilet facility is to be provided on site. The toilet must be connected to either a public sewer, or an accredited sewage management facility, or to an alternative sewage management facility (chemical closet) approved by Fairfield City Council.

### 22. **Required Signage**

For building, subdivision or demolition work that will affect the external walls of the building, signage shall be installed in a prominent position detailing:

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

This sign shall be maintained while the building, subdivision or demolition work is being carried out and must be removed when the work has been completed.

### **PRIOR TO OCCUPATION OF THE DEVELOPMENT**

**The following conditions of consent must be complied with prior to the issue of an Interim Occupation Certificate or Final Occupation Certificate by the Principal Certifying Authority.**

#### **23. Works As Executed Plans for Road and Drainage Works**

Prior to the issue of an Occupation Certificate, Works-As-Executed drawings signed by a registered surveyor demonstrating that the road and drainage works have been constructed as approved shall be submitted to the Private Certifier and Council.

#### **24. Certification for Road and Drainage Works**

Prior to the issue of the Final Occupation Certificate, a certificate shall be submitted to the Principal Certifying Authority, Certifying that all road and drainage works have been completed in accordance with the approved engineering drawings/Works-As-Executed drawings.

#### **25. Works on Adjacent Roads**

Prior to the issue of the Final Occupation Certificate, the following works are to be completed:

- a. The footway adjacent to the development shall be regraded, topsoiled and turfed in accordance with the approved levels.
- b. All redundant kerb laybacks shall be removed and replaced with Council's standard kerb and gutter.
- c. The developer shall remove and replace all damaged or displaced path paving in Dutton Lane at no cost to Council.

All works to be carried out on adjacent lands under the control of Council, shall be in accordance with the standard requirements and specifications of Council.

#### **26. Full Width Footpath Paving**

Prior to the issue of the Final Occupation Certificate, full width paving block footpath shall be constructed for the full road frontage of the property in Dutton Lane. The developer shall complete any necessary transitioning to the existing footway beyond the boundary of this property at no cost to Council.

#### **27. Easement for Stormwater Line**



Prior to the issue of the final Occupation Certificate, proof of the creation of the creation of an Easement to Drain Water in favour of Council over all Council stormwater lines shall be submitted to the Principal Certifying Authority, at no cost to Council. The width of the easement shall be determined in accordance with Council's Stormwater Drainage Policy.

### **28. Adjustments to Public Utilities**

Prior to the issue of the Final Occupation Certificate, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority. Any utility costs are to be at no cost to Council.

### **29. Interim / Final Occupation Certificate Required**

Prior to the commencement of any use and/or occupation of the subject development (whole or part), either an Interim Occupation Certificate or Final Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate or Complying Development Certificate.

### **30. Section 73 Certificate Required**

A Section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.

### **31. Surveyor's Certificate of Location of Building upon Completion**

Prior to the issue of the Final Occupation Certificate, a registered surveyor's certificate shall be submitted to and approved by the Principal Certifying Authority certifying that the building and associated works have been positioned in

accordance with the approved plans. It shall show the boundaries of the allotment and the distances of the building from the boundaries.

### **32. Adjustments to Public Utilities**

Prior to the issue of the Final Occupation Certificate, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority. Any utility costs are to be at no cost to Council.

### **33. Sydney Water Approval**

Prior to the issue of an Occupation Certificate (Interim or Final), the submission to the Principal Certifying Authority of written evidence from Sydney Water stating that they agree to accept the following:

- a. Waste liquids and solids being discharged into the sewer.
- b. Waste from the proposed pre-treatment facilities being discharged to sewer.

### **34. Building in Saline Environments**

The whole of the Fairfield Local Government Area is potentially saline affected, and as such appropriate design features and building materials need to be incorporated into the construction of buildings, to minimise the risk of salt damage.

Prior to the issue of an Occupation Certificate, documentary evidence shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

### **35. Certification of Energy Efficiency Installations for Buildings Class 2 - 9**

Prior to the issue of an Occupation Certificate (Interim or Final), a certificate(s) shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in compliance with the pertinent requirements of Section J – Energy Efficiency of the Building Code of Australia.

### **36. Registration of Plan of Consolidation**

Prior to the issue of the Final Occupation Certificate, a copy of the plan of consolidation, registered by Land and Property Information shall be submitted to the Principal Certifying Authority, which consolidates the allotments which are the subject of the development into one allotment. The plan of consolidation shall include easements for services that include all existing proposed utilities and drainage facilities.

Alternately, an amended plan of subdivision shall be lodged for Council approval prior to the issue of a Subdivision Certificate that provides appropriate easements for vehicular and pedestrian access through the site and easements for

overhanging structures and services. The easement for vehicular access should connect to Hughes Street and facilitate rights of access to all areas with proposed vehicular thoroughfare. The easement for pedestrian access should generally extend between Hughes Street and Freedom Plaza and link with all existing and proposed arcades and pedestrian connections. Easements for services should include all existing proposed utilities and drainage facilities.

**Note:** The Plan of Proposed Subdivision prepared by Proust & Gardner, Plan No.23123-SUB 1, Issue A dated 07/08/2013, is not approved in its submitted form. See condition above.

### **GENERAL CONDITIONS**

**The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land. A Principal Certifying Authority can either be Fairfield City Council or an accredited certifier.**

#### **37. Method of Stormwater Drainage**

The stormwater drainage generated from the development shall be directed to the existing stormwater pit located in Dutton Lane.

The complete roof guttering system must be operational as soon as the roof is clad. Surface stormwater shall not be directed or cause nuisance to adjoining properties.

#### **38. Encroachment of Easements**

- a. This consent does not authorise the encroachment or overhang of any stormwater drainage easement. Any encroachment of other easements must be separately approved by the relevant service authority and evidence of any consent shall be submitted to the Principal Certifying Authority.
- b. The structures shall not exert any loads on the utilities within the easements. Maintenance works may be required on the utilities and therefore the structures shall be designed such that a trench can be excavated to enable replacement of the existing utilities without affecting the stability of the structure.

#### **39. Compliance with the Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Compliance with the performance requirements can only be achieved by:

- a. complying with the deemed-to-satisfy provisions; or
- b. formulating an alternative solution which:

- i. complies with the performance requirements; or
  - ii. is shown to be at least equivalent to the deemed-to-satisfy provisions; or
- c. a combination of (a) and (b).

#### 40. **Excavation and Backfilling**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

#### 41. **Shoring and Adequacy of Adjoining Property Due to Excavation Works**

If the development involves an excavation below the level of the base of the footings of a building on adjoining, the person having the benefit of the development consent must, at the person's own expense:

- Protect and support the adjoining premises from possible damage from the excavation, and
- Where necessary, underpin the adjoining premises to prevent any such damage.

#### 42. **Administration Fee for the Lodgement of Certificates**

Where a Principal Certifying Authority has been appointed other than Council, an administration fee is charged by Council for the lodgement of Construction Certificates, Interim Occupation Certificates, Occupation Certificates and Complying Development Certificates.

#### 43. **During Construction or Demolition**

During the construction or demolition period, the applicant must ensure that:

- a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction or demolition;
- b. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- c. Any building work is to be carried out within the following hours.
  - 1. Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones. No work may be carried out on Sundays or public holidays.

**Note:** On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement.

### 44. Critical Stage Inspections

In accordance with Section 109E of the Environmental Planning and Assessment Act 1979 the Principal Certifying Authority for this development is to inform the applicant of the Critical Stage Inspections prescribed for the purposes of Section 109E (3) (d) Environmental Planning and Assessment Regulation 2000.

**Note:** A \$600 on the spot fine will be issued for failing to request the Principal Certifying Authority to undertake the above inspections.

### 45. Disabled Access

Access for disabled people shall be provided in the building or portion of the building in accordance with Clause D3.2, D3.3 and Table D3.2 of the BCA and to the standards set out in AS 1428.1.

### 46. Maintenance of Construction Site

During the construction and any dormant period, the applicant must ensure that the construction and/or development site is adequately maintained, as not to be prejudicial to the surrounding neighbourhood. In the event that the construction/development site remains dormant for a period in excess of three (3) months, permanent security fencing, hoarding or scaffolding, as defined in the relevant Australian Standard and incorporating visual shielding shall be provided and maintained to the satisfaction of Council until the completion of the development or as applicable.

Signage alerting to the presence of danger and prohibiting unauthorised entry to the site and any other signage, as required by a Development Consent, shall be displayed in a prominent position.

**Note:** On the spot penalties up to \$600 will be issued and/or legal action in the form of Notices/Orders for non-compliance with this requirement will be instigated.

### 47. Carparking - General

- i) The provision and maintenance of the following number of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2013 – Car Parking, Vehicle and Access Management - Chapter 12:
  - a. 267 off-street car parking spaces for general use; and
  - b. 8 off-street car parking spaces for disabled persons, width of spaces to be determined in accordance with the Building Code of Australia and AS 2890.1 – 2009.

- ii) All car parking spaces shall be made available to the general public, including visitors to the premises, and shall remain free from any storage or other obstructions at all times.

### 48. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. No articulated / heavy rigid vehicles shall be used for the servicing or operations of this development.
- d. All deliveries to the premises shall be made to the rear service lane/loading bay/s provided.
- e. All vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.

### 49. Hours of Operation

- (a) The approved hours of operation for the use of the premises are:

Monday to Sunday: 8:00am – 10:00pm

**Note:** The approved hours of operation shall be subject to review by Council in the event of any objections regarding noise nuisance etc. being received.

### 50. Advertising Signs

No advertising signs or structures associated with the use of the premises are to be erected or displayed without prior approval being obtained from Council.

This requirement relates to all advertising matter, including any promotional material, displayed on the premises or in any public place.

### 51. Use of the Premises

The use of the premises shall comply with the following requirements:

- a. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.
- b. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.

### 52. **Storage of Goods**

- a. All works, storage and display of goods shall be contained wholly within the building.
- b. All works and storage shall be contained wholly within the building.
- c. All works shall be contained wholly within the building.

### 53. **Monitoring of State of Roadways**

The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

### 74. **Unreasonable Noise and Vibration**

The use during the construction phase, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

### 85. **Garbage Rooms**

The garbage storage room identified on the approved plans shall be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hose cock shall be provided within the room. Garbage rooms shall be vented to the external air by natural or artificial means. The garbage storage room will provide for a designated space for dry recycling facilities.

- The walls of the garbage room shall be of solid construction.
- Prior to the issue of the Construction Certificate, details of the common grease arrestor (if there is any) shall be submitted to Council. The details shall include, but not be limited to, its location and capacity, nearest stormwater drains, method to contain spillage in the event of a surcharging.
- Separate development application shall be lodged with Council for the installation of any water cooling systems.

### 96. **Lighting – Amenity Considerations**

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

### 107. **Public Address System**

No public address system or sound amplifying equipment shall be installed so as to permit the emission of offensive noise, as defined by the Protection of the Environment Operations Act 1997, onto any private premises or public place.

### 118. **External Areas**

All external areas to the building shall be kept free of obstructions at all times.

### 129. **Buried Waste**

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council's Environmental Management Section is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

### 60. **Covenants which may Affect this Proposal**

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

## **General Conditions – Development Planning**

### 61. **Driveway Gradient**

- a. The internal driveways and parking areas are to be designed in accordance with AS 2890 part 1.

### 62. **Restaurants and Cafes**

- a. The approved tenancies shall not be occupied with a restaurant or café with a seating capacity of 100 or greater.

### 63. **Water Cooling System**

- a. A separate development application shall be lodged with Council for the installation of any water cooling system.