

**DRAFT CONDITIONS OF CONSENT FOR A DEFERRED COMMENCEMENT****DEVELOPMENT APPLICATION NO. 446.1/2017****SYDNEY SOUTH WEST PLANNING PANEL NO. 2017SSW049****PROPERTY:****LOT 51 DP 1120245, NO. 1 BARTLEY STREET, CANLEY VALE****DESCRIPTION OF DEVELOPMENT:****DEMOLITION OF EXISTING STRUCTURES AND THE REDEVELOPMENT OF CABRAVALE DIGGERS CLUB BUILDING, RELOCATION OF BOWLING GREENS, CONSTRUCTION OF A NEW HOTEL AND BASEMENT CAR PARKING**

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**APPROVED PLANS****1. Compliance with Plans**

The development shall take place in accordance with the approved;

- a. Development plans as prepared by ALTIS Architecture, project number 2294.09;

<b>NO.</b>	<b>DRAWING TITLE</b>	<b>CURRENT REVISION</b>
DA0000	COVER SHEET & SITE LOCATION PLAN	2
DA001	PROPOSED SITE ANALYSIS AND SITE PLAN	2
DA002	SHADOW DIAGRAMS - WINTER	2
DA003	SHADOW DIAGRAMS – SUMMER	2
DA004	NOTIFICATION PLANS -1	2
DA005	NOTIFICATION PLANS -2	2
DA006	NOTIFICATION PLANS -3	2
DA011	STAGING DIAGRAM – BASEMENT 1 & 2	2
DA012	STAGING DIAGRAM – GROUND FLOOR & LEVEL 1	2
DA013	STAGING DIAGRAM – HOTEL LEVELS	2
DA1000	EXISTING / DEMOLITION OVERALL GROUND FLOOR PLAN	2
DA1001	EXISTING / DEMOLITION OVERALL – 1 PLAN	2
DA1100	PROPOSED OVERALL BASEMENT 2 FLOOR PLAN	2
DA1102	PROPOSED OVERALL BASEMENT 1 FLOOR PLAN	2
DA1103	PROPOSED OVERALL LEVEL 1 PLAN	2
DA1104	PROPOSED OVERALL LEVEL 2 PLAN	2
DA1105	PROPOSED OVERALL LEVELS 3-5 TYPICAL HOTEL PLAN	2
DA1106	PROPOSED OVERALL LEVEL 6 HOTEL PLAN	2
DA1107	PROPOSED OVERALL LEVEL 7 HOTEL PLAN	2
DA1108	PROPOSED OVERALL LEVEL 8 HOTEL ROOF PLAN	2
DA2100	PROPOSED ELEVATIONS SHEET – 1	2
DA2101	PROPOSED ELEVATIONS SHEET – 2	2

DA2102	PROPOSED ELEVATIONS SHEET – 3	2
DA2200	PROPOSED ELEVATIONS SHEET – 1	2
DA2201	PROPOSED ELEVATIONS SHEET – 2	2
DA3000	PROPOSED SECTIONS SHEET – 1	2
DA3001	PROPOSED SECTIONS SHEET – 2	2
DA3002	OVERALL LONG CROSS SECTIONS	2
DA5000	EXISTING AREA PLANS	2
DA5001	EXISTING & PROPOSED AREA PLANS	2
DA5002	PROPOSED HOTEL AREA PLANS	2
DA9001	ARTIST'S IMPRESSION – SHEET 1	2
DA9002	ARTIST'S IMPRESSION – SHEET 2	2

- b. Stormwater concept plan, Job No C17216601 Sheets 1, 2, 3 and 4 prepared by PTC Consulting Engineers dated 19 June 2018 and Job 17207- Sheet C201 by Xavier Knight dated August 2017 for OSD details subject to conditions of consent.
- c. Statement of Environmental Effects prepared by Cityscape Planning and Version 2, dated August 2017;

except as modified in red by Council and/or 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.**

### 2. Food Fit Out Certification

Prior to the issue of a Construction Certificate, a design report shall be submitted to the Certifying Authority, demonstrating that the proposed kitchen fit out meets all the requirements of Australian Standard 4674-2004 Construction and Fit out of Food Premises.

### 3. Long Service Levy Fee

Prior to the issue of a Construction Certificate, a receipt for payment of the Long Service Levy (in accordance with the Building and Construction Industry Long Service Levy Payments Act 1986) shall be submitted to the Certifying Authority.

The Long Service Levy is calculated at 0.35% of the value of building works, as is in force at the date of this consent. The rate of calculation is subject to change and should be verified (and adjusted) at the date of payment. Payment can be made to Fairfield City Council or direct to the Long Service Levy Corporation.

### 4. Final Stormwater Drainage Plan

The construction certificate application shall include a final detailed stormwater drainage plan and specifications suitable for construction, prepared by a qualified civil engineer experienced in stormwater drainage design and analysis. The final plan shall be in accordance with the above mentioned stormwater concept plan and shall comply with Fairfield City Council's Stormwater Drainage Policy, the BASIX requirements and with AS3500. In particular the following shall be included in the final stormwater plan.

- a. The internal stormwater pipes shall be located clear of the proposed basement and other building footprint.
- b. Drainage for all roof and balcony areas shall be shown on the plans.
- c. Drainage for all hard stand areas including service driveway from Railway Parade to Pevensey Street.
- d. The existing ground levels within the landscaping areas along the service driveway from Railway Parade to Pevensey Street shall be maintained unaltered to prevent loss of flood storage and to create a surface flow path.
- e. Proposed surface levels along the service driveway shall be clearly shown on the plan. Proposed levels shall match the existing ground levels, except close to the proposed crest at the basement entry off Railway Parade.

### 5. Final Architectural Plan

Final architectural plans shall be amended to incorporate the following:

- a. The crest at the service driveway off Railway Parade shall be lowered from RL 11.5m to RL11.3m AHD to reduce driveway gradient.( 300mm freeboard from 100 Year ARI flood level to be maintained)
- b. The service access driveway from Railway Parade shall be not be steeper than 1:20 for the first 6m from the boundary. Long sections through driveway shall be amended accordingly.
- c. The existing ground levels within the landscaping areas along the service driveway from Railway Parade to Pevensey Street shall be maintained unaltered to prevent loss of flood storage and to create a surface flow path.
- d. Proposed surface levels along the service driveway shall be clearly shown on the plan. Proposed levels shall be consistent with existing ground levels, except close to the proposed crest at the basement entry off Railway Parade..

### 6. Flood Affected Development

The development the subject of this consent is affected by overland flooding as described in the flood information sheet issued by Council dated 5 August 2016 and the Flood Impact Assessment Report prepared by Molino Stewart dated 17

November 2017. The certifying Authority shall ensure that the plans issued with the Construction Certificate comply with the following:

- a. The service driveway off Railway Parade shall be provided with a crest in front of the basement entry at a minimum level of RL 11.3m AHD to prevent ingress of flood waters into the basement.
- b. All services and utilities connected to the property are required to be flood proofed.
- c. A flood evacuation plan prepared by a suitably qualified consultant in accordance with Chapter 11 Flood Risk Management of Council's DCP shall form part of any Construction Certificate issued.

### 7. Stormwater Drainage Certificate

Prior to the issue of a Construction Certificate, a certificate from a suitably qualified person 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 Council's Stormwater Drainage Policy and conditions of this consent.

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

- i. 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.
- ii. 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.

### 8. 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 a proposed drainage pipe along Railway Parade to an existing sag pit.

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.

### 9. **Vehicular Crossing Application**

Prior to the issue of a Construction Certificate, a vehicular crossing application shall be submitted to and approved by Council. Access to the development shall be as per approved plans. All vehicular crossings shall be located a minimum of one (1) metre from any utility pillar/pole.

### 10. **Sydney Water Approval**

Approval shall be obtained from Sydney Water Authority for the relocation of the sewer main that traverses the subject site.

### 11. **Section 94A Levy Development Contributions**

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of Section 94A Levy Contributions shall be submitted to the Certifying Authority.

The Section 94A Levy as determined at the date of this consent is **\$1,165,000**.

The contribution amount payable may be adjusted at the date of payment. Any unpaid contributions will be adjusted on a quarterly basis to account for movements in the Australian Bureau of Statistics, Producer Price Index – Building Construction (New South Wales).

### 12. **Erosion and Sediment Control Plan**

Prior to the issue of a Construction Certificate, an Erosion and Sediment Control Plan shall be submitted to and approved by the Certifying Authority. The Erosion and Sediment Control Plan shall be prepared in accordance with the requirements of the Fairfield City Council's Erosion and Sediment Control Policy. The Erosion and Sediment Control Plan shall clearly show and demonstrate how erosion is to be minimised and how sediments are to be trapped on the site and prevented from escaping, transported, carried or discharged across and outside the boundaries of the site of the development or building activity.

### 13. **Sydney Water Consent**

The plans must be assessed by Sydney Water Tap in 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 <https://tap-in.sydneywater.com.au> for:

- See the Building plan approvals section on the Tap in site, 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.**

#### **14. 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.

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

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

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

#### **16. 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.

#### **17. Kerb and Gutter Status Form**

Prior to the commencement of any construction works on site, the applicant shall return the attached footpath/kerb and gutter form to Council detailing the existence of, and the condition of, any foot paving, and/or kerb and gutter provided adjoining the site for checking against Council's records. Damage to footpaths, kerbs, stormwater systems and general streetscape will require restoration at the developer's expense.

### 18. Erosion and Sedimentation Control

Prior to the commencement of any construction works on site, controls in accordance with **Chapter 3.12 of the Fairfield City Wide DCP 2013** 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.

### 19. 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.

### 20. 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.**

**21. 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.

**22. Works on Adjacent Roads**

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

- a. All redundant kerb laybacks shall be removed and replaced with Council's standard kerb and gutter. Any redundant crossings shall be removed and the footpath topsoiled and turfed.
- b. The developer shall remove and replace all damaged or displaced path paving in Railway Parade and Pevensey Street, 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.

**23. Works-As-Executed Plans for Stormwater Drainage**

Prior to the issue of the Final Occupation Certificate, Works-As-Executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved shall be submitted to the Principal Certifying Authority.

**24. On Site Detention – Works-As-Executed**

On completion of the drainage works and prior to Occupation, Works-As-Executed plans certified by a Registered Surveyor are to be submitted to the Principal Certifying Authority to verify that the drainage works have been completed in accordance with the approved plans. The following details are to be on the Works-As-Executed plans and shall be marked in red on a copy of the original plan approved at the Construction Certificate stage.

- a. Sufficient levels and dimensions to verify the On-Site Detention storage volumes.



- b. Location and surface levels of all drainage pits, weir levels and dimensions.
- c. Invert levels of - the internal drainage lines.
  - orifice plates.
  - outlet control pit.
- d. Finished floor levels of structures such as units and garages.
- e. Verification that the orifice plates have been fitted and the diameter of the fitted plates.
- f. Verification that a trash screen is installed.
- g. Location and levels of any overland flow paths through the site.
- h. Details of any variations made from approved plans.

### 25. **Registration of Restriction and Covenant over OSD System**

Prior to the issue of the Final Occupation Certificate, proof of the creation of a 'Restriction on Use of Land' and 'Positive Covenant' over the on-site detention system in accordance with Council's Urban Area On-Site Detention Handbook (February 1997)/Council's On-Site Detention Guidelines for Rural Areas shall be submitted to the Principal Certifying Authority.

### 26. **On-Site Detention – Certification of Works**

A Certificate shall be issued to the Principal Certifying Authority upon completion of the drainage works and prior to issue of the Occupation Certificate certifying the following:

- a. That the on-site detention system will function in accordance with the approved drainage design.
- b. Any variations from the approved drainage design.
- c. That these variations will not impair the performance of the On-Site Detention system, or alternatively provide details of the remedial works required to make the system function according to design control standards.

### 27. **Interim Fire Safety Certificate**

Prior to the issue of an Occupation Certificate (Interim or Final) fire safety certificate shall be submitted to and approved by the Principal Certifying Authority.

**Note:** An Annual Fire Safety Statement for the building premises dealing with essential fire safety measures shall be submitted to Council in accordance with the requirements of Clauses 177 and 181 of the Environmental Planning and Assessment Regulation 2000.

**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. 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 (Interim or Final), 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'.

**30. OSD – Marker Plate**

Each on-site detention basin shall be indicated by fixing a standard marker plate, details of which are as follows:

Minimum size: 150mm x 100mm

Material: Non Corrosive metal or 4mm thick laminated plastic

Location: Fixed in a prominent position to the nearest concrete or permanent surface and be above the expected water level in the basin. If in doubt, contact Council on 9725-0222.

Wording: A minimum letter height of 5mm is required.  
The wording is to consist of:-

**THIS IS AN ON-SITE DETENTION STRUCTURE  
DO NOT TAMPER WITH,  
CONTACT FAIRFIELD CITY COUNCIL PRIOR  
TO ANY PROPOSED WORKS IN THIS AREA**

The marker plate is to be attached prior to occupation of the proposed development.

**31. Environmental Reports Certification**

Prior to the issue of an Occupation Certificate (Interim or Final), written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Fairfield City Council, stating that all

works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

- a. Noise and Vibration Impact Assessment (NVIA), prepared by JHA Consulting Engineers, dated 6 April 2018,
- b. Noise Management Plan (NMP), project number 170094, prepared by JHA Consulting Engineers, dated 6 April 2018 (with the exception of outdoor works on Saturdays, Sundays and public holidays: 8:00am – 6:00pm).

### 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.**

#### **32. 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).

#### **33. 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 and Occupation Certificates.

#### **34. 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

### 35. Method of Stormwater Drainage

The stormwater drainage generated from the development shall be directed to Council's drainage pit located in Railway Parade via proposed 900mm pipe extension along Railway Parade.

**Note:** Drainage lines across the footpath shall be of 75mm x 200mm galvanised R.H.S laid at a fall not exceeding 1:40 (A 100mm sewer grade pipe is an acceptable alternative for single lot residential applications).

**Note:** If a street outlet is required it shall be constructed using a 100mm x 50mm galvanised rectangular connector laid into the kerb with the invert of the connector to be 10mm above the invert of the gutter.

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.

### 36. 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 and Disability (Access to Premises – Buildings) Standards.

### 37. Landscaping to be Completed

The provision and maintenance of landscaping in accordance with the approved landscape prepared by Greenland Design, plan reference number 1680.GD.01-1680.GD.09 dated August 2017, including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

### 38. Driveway Gradient

- a. The driveways and manoeuvring areas are to be designed in accordance with Australian Standard AS 2890 part 2.
- b. The internal driveways and parking areas are to be designed in accordance with AS 2890 part 1.

**39. Driveway Separation from Landscaping**

All driveways shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

**40. Carparking - General**

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. One thousand and six (1006) off-street car parking spaces for staff and visitors,

Each space shall be permanently line marked and maintained free from obstruction at all times. Staff, company and visitors vehicles shall be parked in the spaces provided on the subject premises and not on adjacent footway or landscaping areas.

**41. 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.

**42. Hours of Operation**

The approved hours of operation for the use of the premises are:

Sunday to Thursday:	9:00am – 12:00pm (midnight)
Friday & Saturday:	9:00am – 3:00am

**43. 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.

**44. Use of the Premises**

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

- a. The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.

- b. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.
- c. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
- d. The premises shall be maintained in a clean and tidy state at all times. In this regard, cleaning shall be carried out as required to ensure that the premises is maintained in an environmentally satisfactory manner.

### 45. **Storage of Goods**

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

### 46. **Unreasonable Noise and Vibration**

The industry, 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.

### 47. **Noise Control**

There shall be no music within the outdoor area at any time. In this regard, the doors to the outdoor area, which is available for smoking shall remain closed at all times. Further, there shall be no installation or use of any Public Address System within that area for any purpose including general Club announcements and the like.

### 48. **Management**

Regular patrols of the outdoor areas shall be carried out by the Club's staff, to ensure that patrons using them are not generating noise or disturbance that is likely to adversely affect nearby residents and/or surrounding locality.

### 49. **Noise Notices**

Prominent notices shall be placed to remind patrons that a minimum amount of noise is to be generated whilst within these outdoor areas during the night, and patrons should be managed by the Club, to ensure noise generation is minimised.

**50. Unreasonable Noise and Vibration (Outdoor Area)**

The operation of the outdoor area, 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. In the event of a noise or vibration problem arising, the person in charge of the premises at the time shall cause to be carried out an acoustic assessment. The acoustic assessment shall include but not be limited to the following information:

- a. Noise measurements taken at the locations indicated in the acoustic report titled, Noise and Vibration Impact Assessment (NVIA), prepared by JHA Consulting Engineers and dated 6 April 2018.
- b. All complaints received by the Club from the local residents in relation to the hours of operation.

**51. Flood Affected Development**

The development the subject of this consent is affected by overland flooding as described in the flood information sheet issued by Council dated 5 August 2016 and the Flood Impact Assessment Report prepared by Molino Stewart dated 17 November 2017. The following shall be complied with during and after construction.

- a. Only flood resistant materials shall be used below the designated floor level.
- b. All services and utilities connected to the property are required to be flood proofed.
- c. A flood evacuation plan prepared by a suitably qualified consultant in accordance with Chapter 11 Flood Risk Management of Council's DCP shall be kept and implemented at all times.

**52. OSD Construction**

The on-site detention drainage system shall be constructed in accordance with the approved design and Council's On-Site Detention Handbook – February 1997.

**53. Closed Circuit Television (CCTV)**

- a. A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable the identity of an individual to be established beyond a reasonable doubt when:
  - i. the person represents not less than 100% of screen height, and
  - ii. there is an unobstructed view of the person's face.

- b. In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
  - i. all other public entrances and exits, whether or not in use at the time
  - ii. staircases in multi-level premises
  - iii. all portions of the floor area accessible to the public where facilities are provided
  - vi. toilet external areas
  - v. all general areas accessible by the public
  - iv. the car park area adjacent or within the premises
- c. The CCTV recordings of these cameras must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they may have seen before when:
  - i. the person represents not less than 50% of the screen height, and
  - ii. there is an unobstructed view of the persons face.
- d. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- e. Recordings must;
  - i. be in digital format
  - ii. record at a minimum of six frames per second, and
  - iii. commence one (1) hour prior to opening, and operate continuously until at least one (1) hour after closure of the venue.
- f. The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- g. Recordings should be retained for a period of 30 days before being reused or destroyed. The consent holder or licensee shall ensure that no person is able to delete or alter any recordings within the 30 day period.
- h. When the premises is open and trading, at least one person shall be at the premises that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
- i. Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, and other regulatory officers upon request. Upon installation of the CCTV system the NSW Police Local Area Command that cover the site must be notified that the system is operating.
- j. The CCTV system shall be able to reproduce a copy of the recordings on compact disk, DVD or USB memory stick and must be provided within one working day to NSW Police, and other regulatory officers upon request.



- k. Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the consent holder shall take all reasonable steps to repair the system as soon as practical.
- l. Camera recordings must meet the standards set in (a) and (k) at all times, either by way of camera technology and settings, and/or by maintenance of lighting, camera positioning, camera shades and other environmental factors.

**54. Dilapidation Report**

- a. A dilapidation report shall be carried out on all adjoining properties by the Applicant prior to the commencement of any works on site. The required dilapidation report, to be prepared by a suitably qualified structural engineer, shall be submitted to Fairfield City Council prior to the commencement of any works on site. The report shall cover structural and geotechnical factors likely to arise from the development. A copy of this report shall be submitted to Council as a record.
- b. During construction, excavation and compaction associated with the development, the builder shall be responsible in monitoring vibration impact upon neighbouring properties to ensure no adverse impact to adjoining properties. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.
- c. A comprehensive geo-technical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and submitted with any Construction Certificate. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1 metre below the proposed final excavation level). The report shall describe inter alia:
  - i. an indication of the nature and depth of any uncontrolled fill at the site;
  - ii. an indication of the nature and condition of the material to be excavated;
  - iii. indications of groundwater or seepages;
  - iv. required temporary measures for support of any excavations deeper than 1 metre adjacent to property boundaries;
  - v. statement of required excavation methods in rock and measures required to restrict ground vibrations;
  - vi. other geo-technical information or issues considered relevant to design and construction monitoring.

### 55. **Compliance with Food Act 2003**

The premises shall comply with the requirements of the Food Act 2003, Australia New Zealand Food Standards Code, and the Australian Standard AS 4674-2004 Construction and fit out of food premises.

### 56. **Food Safety Supervisor**

A food safety supervisor shall be appointed in accordance with Food Act 2003 and a copy of the Food Safety Supervisor Certificate shall be submitted to Council prior to the commencement of the food business.

#### **Notation: Food Business Notification and Food Safety Supervisor**

Under Food Act 2003, a food business must notify the NSW Food Authority of the details of its food business. In addition, certain retail food businesses such as restaurants, cafes, takeaways, club and pubs are required under the Food Act 2003 to appoint at least one trained Food Safety Supervisor (FSS) in their business and notify the NSW Food Authority of the details of the FSS.

You can visit the NSW Food Authority's website at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) for full details of the food business and Food Safety Supervisor requirements.

### 57. **Registration of Food Premises**

The premises shall be registered with Council prior to the commencement of business. In this regard, Council's Factsheet 6 - Registration of Premises (a copy is attached) shall be completed and returned for processing.

### 58. **Inspection Fee**

Council's Environmental Health Officers will carry out routine inspections of the premises under the Food Act 2003. Administration and inspection fees will be charged in accordance with Council's Pricing Policy and Fees & Charges.

### 59. **Octave Band Centre Frequency**

The LA 10\* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 07:00am and 12:00midnight at the boundary of any affected residence.

The LA 10\* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00midnight and 07:00am.

\* For the purpose of this condition, the LA 10 can be taken as the average maximum deflection of the noise emission from the licensed premises.

### 60. **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.

### 61. **Lighting**

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282\_1997 *Control of the obtrusive effects of outdoor lighting* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

### 62. **NSW Protection of the Environment Operations Act 1997**

The use of the premises shall operate in accordance with the *Protection of the Environment Operations Act (POEO) 1997*. All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*.

### 63. **Roads & Maritime Services Conditions**

A 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 prior to the issue of a Construction Certificate.

### 64. **Sydney Trains Conditions**

- i. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:

*Retention Wall Design Report for Sydney Trains prepared by Xavier Knight Consulting Engineers Pty. Ltd., Issue C dated 12 July 2018*

The measures detailed in the documents approved/certified by Sydney Trains under this condition are to be incorporated into the construction drawings and specifications prior to the issuing of a Construction Certificate by a Principal Certifying Authority. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- ii. The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- iii. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- iv. Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- v. No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- vi. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- vii. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
- viii. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of Staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant condition applies.
- ix. Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
- x. Sydney Trains advises they have a 33kV HN aerial transmission line near to this site and any works, scaffolding and crane movements within 6 metres of the nearest transmission line conductor must be discussed

and approved by Sydney Trains beforehand. In addition, all works within 6 metres of the nearest transmission line conductor must comply with:

- ISSC 20 - Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
  - The Safe Approach Distances (SADs) in the Sydney Trains Document titled "SMS-06-GD-0268 - Working Around Electrical Equipment".
- xi. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
- xii. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Stage 5 Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- xiii. Prior to the issue of the Stage 2 Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Stage 2 Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- xiv. Prior to the issuing of the Stage 2 Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Stage 2 Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- xv. If required by Sydney Trains, prior to the commencement of Stage 2 works, prior to the issue of the Occupation Certificate, or at any time during the Stage 2 excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These

dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

- xvi. If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of the Stage 2 Construction Certificate. The Principal Certifying Authority is not to issue the Stage 2 Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
- xvii. If required, prior to the issue of the Stage 2 Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this particular proposal. Prior to issuing the Stage 2 Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- xviii. If required, prior to the issue of the Stage 2 Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Stage 2 Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.