

## CONDITIONS OF CONSENT

### DOCUMENTS RELATED TO THE CONSENT

#### 1. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

<b>Plan, Revision and Issue No.</b>	<b>Plan Name</b>	<b>Date Issued</b>	<b>Prepared by</b>
DA.005 A Rev A	Site Plan	20.11.04	Nordon – Jago Architects
DA.007 A Rev A	Demolition Plan	20.11.04	Nordon – Jago Architects
DA.100 A Rev A	Level B3	20.11.04	Nordon – Jago Architects
DA101 A Rev A	Level B2	20.11.04	Nordon – Jago Architects
DA102 A Rev A	Level B1	20.11.04	Nordon – Jago Architects
DA103 B Rev B	Level Ground Floor	20.11.27	Nordon – Jago Architects
DA104 A Rev A	Level Services	20.11.04	Nordon – Jago Architects
DA105 A Rev A	Level 1	20.11.04	Nordon – Jago Architects
DA106 A Rev A	Level 2	20.11.04	Nordon – Jago Architects
DA107 A Rev A	Level 3	20.11.04	Nordon – Jago Architects
DA108 A Rev A	Level 4	20.11.04	Nordon – Jago Architects
DA109 A Rev A	Level 5	20.11.04	Nordon – Jago Architects
DA110 A Rev A	Level 6	20.11.04	Nordon – Jago Architects

DA1111 A Rev A	Level 7	20.11.04	Nordon – Jago Architects
DA112 A Rev A	Level Roof Top	20.11.04	Nordon – Jago Architects
DA200 A Rev A	Sections	20.11.04	Nordon – Jago Architects
DA201 A Rev A	Sections	20.11.04	Nordon – Jago Architects
DA202 A Rev A	Sections	20.11.04	Nordon – Jago Architects
DA300 D Rev D	Elevations	20.11.27	Nordon – Jago Architects
DA301 A Rev A	Elevations	20.11.04	Nordon – Jago Architects
DA700 A Rev A	Driveway Section	20.11.04	Nordon – Jago Architects
DA701 A Rev A	Driveway Section	20.11.04	Nordon – Jago Architects
DA710 A Rev A	Plant Section	20.11.27	Nordon – Jago Architects
Sheet 1 of 7 Rev 6	Basement 3 & Below	26/11/2020	Daw & Walton Surveyors
Sheet 2 of 7 Rev 6	Basement 2	26/11/2020	Daw & Walton Surveyors
Sheet 3 of 7 Rev 6	Basement 1	26/11/2020	Daw & Walton Surveyors
Sheet 4 of 7 Rev 6	Ground Floor	26/11/2020	Daw & Walton Surveyors
Sheet 5 of 7 Rev 6	Mezzanine	26/11/2020	Daw & Walton Surveyors
Sheet 6 of 7	Level 1	26/11/2020	Daw & Walton Surveyors

Rev 6			
Sheet 7 of 7 Rev 6	Roof & Above	26/11/2020	Daw & Walton Surveyors
DWG: IS0279DA1 Issue: B	Landscape Plan	26/11/20	Isthmus Pty Ltd
DWG: IS0279DA2 Issue: B	Landscape Plan	26/11/20	Isthmus Pty Ltd
DWG: IS0279DA3 Issue: B	Landscape Plan – Polish Club Terrace & Public Domain Entry	26/11/20	Isthmus Pty Ltd
DWG: IS0279DA4 Issue: B	Norton Street Green Wall – Elevation	26/11/20	Isthmus Pty Ltd
DWG: IS0279DA5 Issue: B	Common Open Space	26/11/20	Isthmus Pty Ltd
DWG: IS0279DA6 Issue: B	Landscape Plan	26/11/20	Isthmus Pty Ltd
DWG: IS0279DA7 Issue: B	Landscape Plan	26/11/20	Isthmus Pty Ltd
Page 3 Version 1	Planning Ground Floor	4/11/2020	Red Design Group
Page 4 Version 1	Floor Finishes Plan	4/11/2020	Red Design Group
Page 5 Version 1	Reflected Ceiling Plan	4/11/2020	Red Design Group
Page 6 Version 1	Reflected Ceiling Plan – Finishes	4/11/2020	Red Design Group
Page 7 Version 1	Elevation – Liverpool Road	4/11/2020	Red Design Group
Page 8 Version 1	Section 1 – Entry	4/11/2020	Red Design Group
Page 9 Version 1	Section 2 Gaming & Outdoor	4/11/2020	Red Design Group
Page 10 Version 1	Section 3 – Lobby & Outdoor Area	4/11/2020	Red Design Group
Page 11 Version 1	Section 4 - Main Entry – Norton Street	4/11/2020	Red Design Group

Page 15 Version 1	Lobby, Deli & Bakery and Gaming Planning	4/11/2020	Red Design Group
Page 18 Version 1	Lounge and Bar	4/11/2020	Red Design Group
Page 20 Version 1	Restaurant Planning	4/11/2020	Red Design Group
Page 21 Version 1	Kitchen Planning	4/11/2020	Red Design Group
Page 24 Version 1	Function Room Planning	4/11/2020	Red Design Group
Page 25 Version 1	Amenities Planning	4/11/2020	Red Design Group
Page 26 Version 1	Mezzanine Planning	4/11/2020	Red Design Group
Draw 101 Issue B	Stormwater Concept Plan Basement level 3	27/10/2020	Australian Consulting Engineers
Draw 103 Issue B	Stormwater Concept Plan Basement Level 2	27/10/2020	Australian Consulting Engineers
Draw 104 Issue B	Stormwater Concept Plan Basement Level 1	27/10/2020	Australian Consulting Engineers
Draw 105 Issue B	Stormwater Concept Plan Ground Floor	27/10/2020	Australian Consulting Engineers
Draw 105.1 Issue B	Stormwater Concept Stair Transfer level	27/10/2020	Australian Consulting Engineers
Draw 106 Issue B	Level 1 and 2 Plan	27/10/2020	Australian Consulting Engineers
Draw 107 Issue B	Level 3 and 4 Plan	27/10/2020	Australian Consulting Engineers
Draw 108 Issue B	Level 5 and 6 Plan	27/10/2020	Australian Consulting Engineers

Draw 109 Issue B	Level 7 and Roof Plan	27/10/2020	Australian Consulting Engineers
•	Plan of Management – Polish Club	4/11/2020	Polish Club
SY200086 Rev 4	Crime Prevention through Environmental Design Assessment	3/11/2020	Barker, Ryan, Stewart
SY200086 Rev 3	Loading Dock Management Plan	3/11/2020	Barker, Ryan, Stewart
SY200086 Rev 6	Traffic Impact Assessment	3/11/2020	Barker, Ryan, Stewart
2020-104 Club Rev 2	Acoustic Environmental & Impact Assessment Report	4/11/2020	Acoustic Noise & Vibration Solutions
E24659.G03_Rev2	Geotechnical Investigation	23/6/2020	eiAustralia

As amended by the conditions of consent.

## **DESIGN CHANGE**

### **2. Design Change**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a. An awning /slab is to be placed above all outdoor seating areas relating to the registered club. This awning/slab is to extend a minimum 5 metres beyond the above residential unit's balcony edge. The awning is to be lined with noise absorbing material of NRC > 0.8 (e.g. echo soft 25)
- b. The proposed laundry's to units 102, 103, 202, 203, 302, 303, 402, 403, 502, 503, 602 & 603 are to be relocated to be adjacent the eastern wall of the proposed kitchen shared with the proposed bathroom. The proposed kitchen is to be shifted internally towards the western boundary as to be closer to the west facing windows to accommodate the relocated laundry area.

- c. Balustrades relating to external residential corridors and balconies must be treated to be obscured to avoid direct sightlines and are not permitted to incorporate transparent glazing.

## **FEES**

### **3. Security Deposit - Custom**

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

<b>Security Deposit:</b>	\$118,000.00
<b>Inspection Fee:</b>	\$236.70

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

### **4. Section 7.11 (Former Section 94) Contribution**

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$1,342,251.44 indexed in accordance with Ashfield Development Contributions Plan/ Developer Contributions Plan No.1 – Open Space

and Recreation; 'Developer Contributions Plan No.2 – Community Facilities and Services (2005) has been paid to the Council.

The above contribution is the contribution applicable as at 8/1/2020.

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

<b>Community Infrastructure Type:</b>	<b>Contribution \$</b>
Local Roads	\$36,835.65
Local Public Transport Facilities	\$65,228.79
Local Public Car Parking	\$0.00
Local Open Space and Recreation	\$1,132,273.53
Local Community Facilities	\$51,708.12
Plan Preparation and Administration	\$56,205.36
<b>TOTAL</b>	<b>\$1,342,251.44</b>

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment methods:

The required contribution must be paid either **by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000)).** It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.**

\*NB A 0.75% credit card transaction fee applies to all credit card transactions.

## **5. Long Service Levy**

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

## **GENERAL CONDITIONS**

### **6. Separation of Commercial and Residential Waste and Recycling**

The waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.

### **7. Tree Protection**

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

### **8. Works to Trees**

Approval is given for the following works to be undertaken to trees on the site after the issuing of a Construction Certificate:

<b>Tree/location</b>	<b>Approved works</b>
<i>Picea pungens</i> (Blue Spruce) Front	Remove
<i>Araucaria cunninghamiana</i> (Hoop Pine) Front	Remove
<i>Cupressus sempervirens</i> (Mediterranean Cypress) Front	Remove
<i>Phoenix canariensis</i> (Phoenix Palm) Front	Remove
<i>Syzygium australe</i> (Brush Cherry) Front	Remove
<i>Syzygium australe</i> (Brush Cherry) Front	Remove
<i>Syzygium australe</i> (Brush Cherry) Front	Remove
<i>Cinnamomum camphora</i> (Camphor Laurel) Front	Remove
<i>Callistemon viminalis</i> (Weeping Bottlebrush) Rear	Remove



<i>Cinnamomum</i> Laurel) Rear	<i>camphora</i>	(Camphor	Remove
-----------------------------------	-----------------	----------	--------

## 9. Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs. Applications must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

## 10. Building Plan Approval

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams ? trade waste approvals
- pressure information ? water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-watertap-in/index.htm>

## 11. Underground Cables - Ausgrid

There are existing underground electricity network assets in Norton St.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the

area. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

## **12. Noise – Consultant's Recommendations**

The recommendations contained in the acoustic report prepared by Acoustic Noise and Vibration Solutions P/L, reference 2020-104 CLUB Rev 2, dated 4 November 2020 must be implemented.

## **13. Contamination – Remedial Action Plan (No Site Auditor Engaged)**

The site is to be remediated and validated in accordance with the recommendations set out in the Remedial Action Plan, prepared by eiaustralia, reference E24659.E06\_Rev0 dated 23 June 2020, the *Contaminated Land Management Act 1997* and the *State Environmental Planning Policy No 55*.

## **14. Hazardous Materials Survey**

Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide a hazardous materials survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate hazardous material removal and disposal methods in accordance with the requirements of SafeWork NSW.

A copy of any SafeWork NSW approval documents is to be included as part of the documentation.

## **15. Dry-weather Flows**

Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system.

## **16. Rock Anchors**

This consent does not grant consent for any rock anchors on the road reserve or Council land.

## **17. Signage**

No approval for signage or signage zones provided under this consent. Any signage is subject to a separate application under the *Environmental Planning and Assessment Act 1979*.

## **18. Car Parking**

The development must provide and maintain within the site:

- a. 117 car parking spaces must be paved, line marked and associated with residential portion of the development;
- b. 9 car parking spaces, for persons with a disability must be provided, marked as disabled car parking spaces and associated with the residential portion of the development;
- c. 22 residential visitor car parking spaces must be provided and marked as visitor car parking spaces. A sign legible from the street must be permanently displayed to indicate that visitor parking is available on site;
- d. 75 car parking spaces must be paved, line marked and associated with the club portion of the development
- e. 8 off-street residential motorcycle parking spaces must be provided, paved, line marked and maintained at all times;
- f. 14 residential Bicycle storage capacity within the site;
- g. 1 Carwash bays; and
- h. 1 Loading docks/bays.

#### **19. Residential Flat Buildings – Hot Water Systems**

Where units or dwellings are provided with separate individual hot water systems, these must be located so they are not visible from the street.

#### **20. Residential Flat Buildings – Air Conditioning Systems**

Where units or dwellings are provided with separate individual air conditioning systems, these must be located so they are not visible from the street.

#### **21. Residential Flat Buildings – Adaptable Dwellings**

Prior to the issue of a Construction Certificate, the Certifying Authority, must be provided with plans that demonstrate 9 units are Adaptable units.

No works are to occur to the premises that would prevent the Adaptable units from being adapted for persons with a disability.

#### **22. Waste Management Plan**

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

### **23. Erosion and Sediment Control**

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

### **24. Standard Street Tree Protection**

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

### **25. Verification of Levels and Location**

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

### **26. Works Outside the Property Boundary**

This development consent does not authorise works outside the property boundaries on adjoining lands.

### **27. RMS Condition 1**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with certification that the layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) are in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.9-2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

### **28. Plan of Management for the licensed premises - NSW Police**

The occupier must engage a person who holds a class 2A security licence, or is otherwise suitably qualified, to prepare a Plan of Management for the licensed premises. The plan should be systems based and adopt a continuing approach to address the following:

1. Compliance with licence conditions and liquor laws.
2. The responsible service of alcohol.

3. Minimising disturbance to the neighbourhood particularly addressing effective management of patrons:
  - a. who are approaching intoxication, intoxicated, violent, quarrelsome or disorderly,
  - b. queuing to gain entry to the premises, and
  - c. within and departing the premises.
4. Effective management and deployment of venue staff particularly addressing:
  - a. maintaining an incident register,
  - b. security and patron safety,
  - c. crime scene management procedures, and
  - d. induction and training
5. Appropriate responses to concerns raised by NSW Police or residents affected by the operation of the licensed premises.

The premises is to be operated at all times in accordance with the Plan of Management. A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.

## **29. Awnings with Lighting**

The proposed awning must be of cantilever type and be set back at least 600mm from the kerb line. The awning must include pedestrian lighting (Category P3-AS1158) and must be maintained and owned by the property owner(s). The proposed awning must be designed to be easily removed if required in future. The owner must maintain, modify or remove the structure at any time if given notification by Council to do so. The lighting must be not be obtrusive and should be designed so that it does not shine into any adjoining residences.

## **PRIOR TO ANY DEMOLITION**

### **30. Resource Recovery and Waste Management Plan - Demolition and Construction**

Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

### **31. Hoardings**

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

### **32. Construction Traffic Management Plan – Detailed**

Prior to Any Demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The Certifying Authority must approved by the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

The following matters should be addressed in the CTMP (where applicable):

- a. Description of the demolition, excavation and construction works;
- b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e. Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- f. Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g. Proposed hours of construction related activities and vehicular movements to and from the site;

- h. Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i. Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j. Measures to maintain public safety and convenience;
- k. Any proposed road and/or footpath closures;
- l. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m. Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- n. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q. On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r. Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- s. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- t. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

### **33. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s

that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

### **34. Advising Neighbors Prior to Excavation**

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

### **35. Construction Fencing**

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

## **PRIOR TO CONSTRUCTION CERTIFICATE**

### **36. Bin Storage Area - Residential**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in the IWCDCP 2016 and must include doorways/entrance points of 1200mm.

### **37. Bulky Waste Storage Area – Residential**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that the bulky waste storage area must meet the floor area requirements as per the IWCDCP 2016 and have minimum doorways of 1200mm wide to accommodate large items.

### **38. Commercial - Additional Storage Space**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that additional space has been allocated on site for the storage of reusable items such as crates and pallets and/or compaction equipment.



### **39. Waste Transfer Route**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point is has a minimum 1200mm wall-to-wall clearance, of a hard surface, be free of obstructions.

### **40. Each Residential Level is to have Access to a Disposal Point for All Waste Streams**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the disposal point is to be within 30m of the dwelling access (distance covered by lifts excluded). Any bins stored on residential floors are to have the capacity to store, at minimum, all waste generated by that floor over a 24 hour period.

### **41. Structural Details and Design**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to Class 2-9 buildings) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings).

### **42. Food Premises – Additional Sinks and Hand Wash Basins**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended scale plans confirming the position of all sinks and hand wash basins within the food premises in accordance with Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises) and Australia and New Zealand Food Standards Code.

### **43. Food Premises – Odour Emission Control**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details demonstrating that emission control equipment has been provided in the mechanical exhaust system that effectively minimises the emission of odours, vapours and oils.

### **44. Noise General – Acoustic Report**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the operation of the premises will satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997* and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

#### **45. Light Spill**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details demonstrating that any lighting of the premises complies with Australian Standard AS4282:1992: Control of Obtrusive Effects of Outdoor Lighting.

#### **46. Car Wash Bay – Design**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with certification confirming that all wastewater generated from the car wash bay will be discharged to the sewerage systems in accordance with the requirements of Sydney Water.

#### **47. Stormwater Drainage System – Major Developments**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD) and Stormwater Quality Improvement Devices (SQIDS), certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that the design of the site drainage system complies with the following specific requirements:

- a. The design must be generally in accordance with the stormwater drainage concept plan on Drawing Nos. 101 to 113 prepared by Australian Consulting Engineers and dated 27 October 2020, as amended to comply with the following;
- b. Stormwater runoff from all surface areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from the rainwater tank by gravity to Council's piped drainage system via the OSD tank;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than for the pump-out of subsurface flows and surface flows from the driveway from the basement;
- e. The Drainage Plan must detail the proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- f. The proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the

collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;

- g. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows;
- h. Details of the 1 in 100-year ARI overflow route in case of failure\blockage of the drainage system must be provided;
- i. Existing overland flow path through the site should not be blocked;
- j. pump-out system for drainage of surface flows from the basement ramp is permitted for the basement area only and must be designed in accordance with the following criteria:
  - 1. Comply with all relevant Australian Standards;
  - 2. An overflow, flashing light and audible alarm is to be provided to warn of pump failure;
  - 3. A maintenance regime for the pump system must be provided, including provision for regular maintenance and servicing at least every 6 months;
  - 4. The proposed pump system must consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow for the one-hour duration, 100-year Average Recurrence Interval (ARI) storm event. The holding tank must be capable of holding one hour's runoff from one-hour duration 20-year ARI storm event;
  - 5. The pump system must be discharged to the OSD storage tank;
  - 6. Subsurface flows must be collected at the point of ingress to the basement;
  - 7. The subsurface drainage system must have sufficient capacity to collect and convey all surface flows to the pump out system; and
  - 8. Inlet pits and drains for subsurface drainage must be designed to minimise potential for pollutants from cars or other sources to enter the subsurface drainage system. e.g.. isolate any subsurface drains at boundary walls, inspection pits with solid covers, etc.
- k. The design must make provision for the natural flow of stormwater runoff from adjacent properties;

- l. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments shall not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
- m. No nuisance or concentration of flows to other properties;
- n. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- o. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- p. Stormwater quality improvement devices must be installed such that stormwater flows leaving the site meet the following environmental targets:

q.

Pollutant	Baseline Pollution (kg/ha/yr)	Annual Load	Retention Criteria
Gross Pollutants, including trash, litter and vegetation matter greater than 5mm	500		90% reduction of average annual load
Total Suspended solids, including sediment and other fine material less than 5mm	900		85% reduction of average annual load
Total Phosphorous	2		65% reduction of average annual load
Total Nitrogen	15		45% reduction of average annual load
Hydrocarbons (Oil and Grease)			90% reduction of average annual load – no visible discharge
Toxicants			100% containment of toxicants

- r. A water balance model must be submitted to accompany the water re-use proposal;

- s. A WSUD Strategy Report must be provided to ensure the treatment measures proposed to meet Council's water quality targets. MUSIC model (including .sqz file) must be included with the report;
- t. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken; and
- u. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively, the basement must be fully "tanked" so as not to allow the ingress of seepage or groundwater.

#### **48. Structural and Geotechnical Report**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared and certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a. Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure;
- b. Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;
- c. All components of the basement, including footings, must be located entirely within the property boundary;
- d. No adverse impact on surrounding properties including Council's footpath and road;
- e. The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;
- f. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and
- g. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

#### **49. Public Domain Works – Prior to Construction Certificate**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a. The construction of heavy duty vehicular crossing to access location and removal of the redundant vehicular crossings to the site including the redundant vehicular crossing to Liverpool Road;
- b. New concrete footpath and kerb and gutter along the frontages of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determine by the Council Engineer;
- c. Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary.
- d. The existing Council drainage system must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 2.4m lintel) must be installed; and
- e. The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event. Pipes must be Class 4 Steel Reinforced Concrete Pipe or approved equivalent and Pits must be cast in-situ. Plans, longsections and details must be provided including location of utility services.

All works must be completed prior to the issue of an Occupation Certificate.

#### **50. Enclosure of Fire Hydrant**

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in accordance with the requirements of AS 2419.1 2005.

#### **51. Party Walls**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with Architectural Plans accompanied by a Structural Certificate which verifies that the architectural plans do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to all owners of the party wall/s.

## **52. Sydney Water – Tap In**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

*Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92*

## **53. Fibre-ready Facilities**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

- a. The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- b. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

## **54. Consolidation of Lots**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that the separate lots comprising the development have been consolidated into one lot and under one title and registered at NSW Land Registry Services.

## **55. Future Food Use - Mechanical Ventilation Provision**

Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.

## **56. Green Roofs, Walls and Facades Report**

Prior to the issue of Construction Certificate, the Certifying Authority is to be provided with a report prepared by a suitably qualified person demonstrating that the proposed landscape plan and details of any green roofs, wall and facades are consistent with [Inner West Councils](#)

[Green Roof, Walls and Facades Technical Guidelines](#) including but not limited to using species selected from the suggested species list, water proofing and drainage.

## **57. RMS Condition 2**

A Construction Pedestrian Traffic Management Plan (CPTMP) 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.

## **58. Driveway Exit**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure that the following control measures are to be incorporated at the driveway exit at Norton Street:

- a. STOP control signs and marking
- b. 'All Traffic Right' sign out together with an 'arrow right' marking on the driveway going out and 'arrow straight' marking on driveway coming in.
- c. 'Give-way to pedestrians' signage at exit
- d. Measures at exit to further speed control traffic movement out of the driveway (e.g Speed bump or similar).
- e. That appropriate sight line view of pedestrian/traffic be provided at the driveway access to Norton Street in accordance to AS 2890.1:2004 section 3.2.4.

## **59. Driveway Long Section - Dwelling**

The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template (Figure C1) from AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking. A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be submitted to and approved by Council before the issue of a Construction Certificate. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section approved by Council shall define the Alignment Levels at the property boundary. The long section shall show both existing surface levels and proposed surface levels with changes.

## **60. Dilapidation Report – Pre-Development – Minor**

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

## **61. Parking Facilities – Major (including basement)**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered



Professional Engineer qualifications with Professionals Australia (RPEng) demonstrating that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australian Standard AS 2890.2-2018 Parking Facilities: Commercial vehicle facilities, AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities and the following specific requirements:

1. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
2. Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004;
3. Minimum headroom of 2500mm must be provided above any disabled parking space(s);
4. Longitudinal sections must be provided along both sides of the vehicular access ramp(s) and throughout the path of travel for a MRV/Garbage Truck utilising the loading bay. The sections must demonstrate that minimum headroom of 4500mm is provided;
5. The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:
  - i. Car spaces adjacent to walls or fences are increased in width by an additional 300mm; End spaces are provided with an additional 1m aisle extension;
  - ii. End spaces are provided with an additional 1m aisle extension; and
  - iii. The location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004.
6. At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;
7. Maximum ramp grades and changes in grade in must comply with AS2890.1 and AS2890.2. The maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary.
8. The vehicle egress is designed such that there are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles;
9. All loading docks and parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction;

10. Control measures must be incorporated at the driveway exit at Norton Street generally in accordance with DA.103 Rev B (dated 27/11/20) and the following requirements:

- a. STOP control signs and marking;
- b. 'All Traffic Right' sign out together with an 'arrow right' marking on the driveway going out and 'arrow straight' marking on driveway coming in;
- c. 'Give-way to pedestrians' signage at exit; and
- d. Speed bump at exit to further speed control traffic movement out of the driveway; and
- e. That appropriate sight line view of pedestrian/traffic be provided at the driveway access to Norton Street in accordance to AS 2890.1:2004 section 3.2.4.

### **DURING DEMOLITION AND CONSTRUCTION**

#### **62. Documentation of Demolition and Construction Waste**

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

#### **63. Contamination – New Evidence**

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

#### **64. Imported Fill Materials**

All imported fill on the site shall be validated as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM), in accordance with NSW Environment Protection Authority guidelines, 'Consultants Reporting on Contaminated Sites' (August 2011) to ensure the imported fill is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods:

- a. Imported fill be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b. Sampling and analysis of the fill material be conducted in accordance with NSW Environment Protection Authority's Sampling Design Guidelines (September 1995).

## **65. Construction Hours – Class 2-9**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a. 7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c. at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to:

- a. 8:00am to 12:00pm, Monday to Saturday; and
- b. 2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

## **66. Survey Prior to Footings**

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

## **PRIOR TO OCCUPATION CERTIFICATE**

## **67. Non-combustible Cladding – Class 2-9 Buildings**

Prior to the issue of an Occupation Certificate the Principal Certifier must be provided with suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the National Construction Code (NCC).

## **68. Products Banned Under the Building Products (Safety) Act 2017**

Prior to the issue of any Occupation Certificate, the Principal Certifier is to confirm that none of the building products used on the building are subject to a building product use ban under the *Building Products (Safety) Act 2017* or, if a product is only subject to a ban if used in a particular way that it is not used in any way contrary to the *Building Products (Safety) Act 2017*.

## **69. Noise – Acoustic Report**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority's Noise Policy for Industry and Noise Control Manual and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

## **70. Noise From Road, Rail & Aircraft – Compliance**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant, confirming that the development complies with the requirements of the:

- a. *State Environmental Planning Policy (Infrastructure) 2007*;
- b. NSW Planning, Development near Rail Corridors and Busy Roads – Interim Guideline;
- c. Australian Standard 2021-2000: Acoustics - Aircraft noise intrusion - Building siting and construction;
- d. conditions of development consent; and
- e. Recommendations of Acoustic noise and vibration solutions dated 4 November 2020.

## **71. Licensed Premises – Plan of Management**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Plan of Management for the operation of the licensed premises that addresses the following:

- a. Compliance with the relevant conditions of approval;
- b. Minimise the potential impact of the operation of the premises on nearby residents;
- c. Effectively minimise and manage anti-social behaviour;
- d. Minimise noise emissions and associated nuisances;
- e. Effectively manage and respond to resident complaints;
- f. Ensure responsible service of alcohol and harm minimisation; and
- g. Patron conductivity and security.
- h. Example documentation to be provided to potential patrons of the function area/room outlining of the lack of parking available on site / within the locality and encouraging patrons to utilise public transport when attending the event.

## **72. Contamination – Disposal of Soil**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a validation report confirming that all off site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014), Protection of the Environment Operations (Waste) Regulation 2014 and the *Protection of the Environmental Operations Act 1997*.

## **73. Contamination – Validation (No Site Audit Statement Required)**

Prior to the issue of an Occupation Certificate, the Principal Certifier and Council must be provided with a Site Validation Report prepared by a suitably qualified environmental consultant with experience in land contamination.

The Validation report must be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines *Consultants Reporting on Contaminated Sites* and must confirm that the site has been remediated in accordance with the Remedial Action Plan and clearly state that the site is suitable for the proposed use.

## **74. Car Wash Bay – Trade Waste Agreement**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a copy of the Sydney Water Trade Waste Agreement for the disposal of wastewater from the premises.

## **75. Food Premises Grease Trap – Trade Waste Agreement**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification confirming that the grease trap has been installed to the premises in accordance with Australian Standard AS 3500 and the National Plumbing and Drainage Code. A copy of the Sydney Water Trade Waste Agreement must also accompany the certification.

## **76. Public Domain Works**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a. Heavy duty concrete vehicle crossing at the vehicular access location;
- b. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone;
- c. Extension of Council's stormwater system to the frontage of the site;
- d. The existing footpath across the frontages of the site must be reconstructed; and
- e. Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

## **77. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

## **78. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced.

## **79. Undergrounding Power – Major development**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any existing overhead power cables along Norton Road frontage of the site have been relocated underground with appropriate street lighting and new steel standard poles. The street lighting must be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid and must meet the lighting category required by Council and RMS. In addition the design must also comply with AS4282 to ensure that no injury is caused to the amenity of the surrounding area by light overspill or obtrusive light.

## **80. Parking Signoff – Major Development**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property.

- a) The car parking complied in accordance with AS2890.1, AS2980.2, AS2980.3 and AS2890.6 and demonstrated safety for all users of the facilities;
- b) Swept paths detailed at each level of basement and showed circulation in and out the parking facilities including passing at intersections, ramps, vehicular entry/exit etc;
- c) Queuing areas at entry points will not block/impact circulation.;
- d) Sight lines at all relevant locations including the vehicular access points both for pedestrians and vehicles complied with Australian Standards;
- e) Parking spaces complied appropriate user class as per AS2890.1;
- f) Motorcycle parking located together in a clearly defined area;
- g) The car park has been completed, lines marked and all signage relating to car parking erected;
- h) A notice has been clearly displayed at the Norton Street frontage to indicate that visitor parking is available within the property;
- i) Sign has been erected that clearly indicates to the drivers of vehicles both on and off the property which driveway they are to use to enter or leave the subject land; and
- j) Sign has been erected that clearly indicate to the drivers of vehicles both on and off the property the location and means of access to the car parking areas.

## **81. Public Domain - Major Developments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with the works-as-executed plan(s), certified by a Registered Surveyor, that show the as built details in comparison to those shown on the plans approved with the public domain and Roadworks Permit with all relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

## **82. Dilapidation Report – Post-Development**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved

predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

### **83. Stormwater Drainage and Road Works – Certification**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a. All works required to be undertaken on public roads must be designed and constructed in accordance with Council's approved plans;
- b. Video inspection (CCTV) in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia has been carried out of completed stormwater drainage works that are to revert to Council by an accredited operator; and
- c. Full works-as-executed plans in PDF and CAD format (dwg or dxf files), prepared and signed by a Registered Surveyor have been submitted to Council.

### **84. Works as Executed – Site Stormwater Drainage System**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and any pump(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

### **85. Operation and Management Plan**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention, on-site retention/re-use facilities, stormwater quality improvement devices and pumps. The Plan must set out the following at a minimum:



- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

#### **86. Easements, Restrictions on the Use of Land and Positive Covenants**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that Easements, Restrictions on the Use of Land and Positive Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the *Conveyancing Act 1919*, has been created on the title of the property detailing the following :

- a. Restrictions on the Use of Land related to on Site Stormwater Detention System and stormwater quality improvement devices;
- b. Positive Covenant related to on-site stormwater detention and retention system; and
- c. Positive Covenant related to stormwater quality improvement devices.

The wording in the Instrument must be in accordance with Councils Standard wording.

#### **87. Basement/Retaining Wall Signoff – Major Development**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical engineer, who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng), that the basement and driveway has been constructed in accordance with the development consent and relevant Australian Standards and that the basement is fully tanked construction such that pump-out of subsurface flows is not required.

#### **88. Smoke Alarms - Certification of upgrade to NCC requirements**

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

#### **89. Shopping Trolley Management Plan**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a shopping trolley management plan which specifies a management system that will be used to ensure that shopping trolleys are not abandoned on the surrounding area.

## **90. Section 73 Certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

## **91. Verification and Maintenance of Green Roofs, Walls and Facades Works**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority is to be provided with written evidence demonstrating that the works have been carried out in accordance with the Green Roofs, Walls and Facades Report that was submitted at Construction Certificate Stage and a maintenance plan that is consistent with the [Inner West Councils Green Roof, Walls and Facades Technical Guidelines](#).

## **92. Affordable Housing**

Prior to the issue of any occupation certificate, a restriction is to be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that:

1. Units 201, 211, 212, 214 must be used for the purposes of affordable housing, and
2. As per Council resolution from the 30 October 2018 (C1018(2) Item 11), the affordable housing units are to be managed by a registered community housing provider in perpetuity.

## **93. Easement Pedestrian Access**

Prior to the issue of any occupation certificate, a restriction is to be registered against the title of the property known as 182 Liverpool Road, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that:

1. An easement for pedestrian access benefiting the site the development is to be carried out on is in place. This easement must be a minimum 3m wide and located over the existing driveway at 182 Liverpool Road.

## **94. Heavy Duty Vehicle Crossing**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that heavy duty concrete vehicle crossing/s, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" has been constructed at the vehicular access locations.

## **95. Redundant Vehicle Crossing**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the vehicular crossing off Liverpool Road has been made redundant and has been removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard

crossing and footpath specifications and AUS-SPEC#2-“Roadworks Specifications”. Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone.

## **PRIOR TO SUBDIVISION CERTIFICATE**

### **96. Stratum Subdivision**

Prior to the issue of a Subdivision Certificate, the Principal Certifier must verify that the necessary easements for access and services enabling use and operation of the loading bay by Lot 1 (Commercial) are in place.

## **ON-GOING**

### **97. Bin and Reusable Items Storage**

All bins and reusable items such as kegs and crates are to be stored within the site.

### **98. Documentation of Businesses Waste Services**

All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

### **99. Maintenance of tree plantings**

The tree/s planted as part of this consent is/are to be maintained in a healthy and vigorous condition for 12 months from the issue of an Occupation Certificate. If any of the tree/s is/are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate it/they must be replaced with the same species within one (1) month (up to 3 occurrences).

### **100. Security - NSW Police**

The occupier must ensure that on any night the premises trades: at least one (1) uniformed licensed security officer is employed at the premises from 08:00pm and continue until the last patron has left the licensed premises and vicinity of the licensed premises. Uniformed licensed security officers are to be employed at a ratio of not less than one per one hundred (1:100) patrons or part thereof. When more than two (2) security officers are employed at the premises, the security officer(s) is(are) to continually patrol the premises and the area in the vicinity of the premises to ensure that patrons do not loiter or linger in the area or cause nuisance or annoyance to the neighbourhood. Uniformed licensed security officers must have direct contact with the duty manager via portable radio, mobile phone or other electronic means.

### **101. CCTV - NSW Police**

The occupier must maintain a closed-circuit television system on the premises in accordance with the following requirements—

- (a) the system must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
- (b) recordings must be in digital format—
  - (i) at a minimum of 10 frames per second, and
- (c) any recorded image must specify the time and date of the recorded image,
- (d) the system's cameras must cover the following areas—
  - (i) all entry and exit points on the premises,
  - (ii) the footpath immediately adjacent to the premises,
  - (iii) all publicly accessible areas (other than toilets) on the premises.

The occupier must also—

- (a) keep all recordings made by the CCTV system for at least 30 days, and
- (b) ensure that the system is accessible by at least one staff member at all times it is in operation, and
- (c) provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.

## **102. Crime Scene - NSW Police**

The occupier must ensure that immediately after the occupier or staff member becomes aware of any incident involving an act of violence to a person on the premises, he / she must,

- (a) make direct contact with the Police via 000 or the local Police Station, and advise them of the incident; and
- (b) take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police:

[https://www.liquorandgaming.nsw.gov.au/documents/resourcecentre/ALEC\\_CrimeScenePreservationGuidelines.pdf](https://www.liquorandgaming.nsw.gov.au/documents/resourcecentre/ALEC_CrimeScenePreservationGuidelines.pdf);

- (c) comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

In this condition: "staff member", in relation to the subject premise means, the licensee or any person employed by or acting on behalf of the occupier or licensee of the premises and includes any person who is employed to carry on activities as a crowd controller or bouncer on or about the premises.

### **103. Noise - NSW Police**

Amplified, live or electronic music or entertainment (apart from TV or background music) is not to extend beyond midnight on any night. Speakers for amplified, live or electronic music or entertainment are not to be placed on the footpath or in any external opening.

### **104. Complaints Register - NSW Police**

The occupier must keep a Complaints Register for any complaints made directly to the Club's management or staff regarding the operation of the Club or the behaviour of its patrons. The Complaints Register must record the following information:

- i) Complaint time and date
- ii) Name, contact details and address of the person/s making the complaint
- iii) Details of the nature of the complaint
- iv) Name of the staff member recording the complaint
- iv) Details of the action taken by the Club to resolve the complaint
- v) Details of follow up - time, date, and method of communication
- vi) Any outcome achieved.

The occupier (or in the occupier's absence, the duty manager) must contact the complainant within 72 hours of the receipt of the complaint and notify the complainant of the result of the inquiries made and any outcomes as a result of the complaint being made. The Club's website must disclose the relevant contact telephone number that can be called at any time to register a complaint regarding the Club's operation, and which is to be answered either in person or by the ability to leave a message.

### **105. Noise General**

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

#### **106. Noise – Licensed Premises (7am – 12midnight)**

The LA10 noise level emitted from the premises, measured between the hours of 7am and 12 midnight, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive) by more than 5 dB, when measured at the boundary of any adjoining residence.

#### **107. Noise – Licensed Premises (12midnight – 7am)**

The LA10 noise level emitted from the premises, measured between the hours of midnight and 7am, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive), when measured at the boundary of any adjoining residence.

#### **108. Noise – Licensed Premises – Music/Gaming Machines**

There is to be no amplified music on any part of the outdoor area at any time. There is to be no amplification from any gaming machines on any part of the outdoor area at any time. Machines located within an approved outdoor gaming/smoking area must not be visible from the public domain and must not dispense coins i.e. cashless. There is to be air lock entry from the outdoor gaming/smoking area into the main building fitted with self-closing device. The number of patrons using the outdoor gaming area is restricted to 25 persons at any time.

#### **109. Noise – Licensed Premises/Entertainment Venues – Acoustic Report**

During the first sixty (60) days of entertainment being provided at the premises, the following acoustic measures must be undertaken:

- a. A suitably qualified acoustic consultant must be appointed to:
  - i. measure and verify the noise emanating from the premises; and
  - ii. if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.
- b. The noise measurements must be:
  - i. undertaken without the knowledge of the applicant, manager or operator of the premises;
  - ii. taken on at least three (3) different occasions on three (3) different days of the week (excluding Monday, Tuesday and Wednesday) from 11pm until the end of the public entertainment or close of business, whichever occurs first, and
  - iii. Submitted to the Certifying Authority within four (4) weeks of testing.
- c. If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:
  - i. submitted to Certifying Authority with the noise measurements;
  - ii. implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of public entertainment provided on the premises; and
  - iii. If the acoustic consultant's recommendations are not implemented in accordance with this condition, the relevant element of trading (ie outdoor area access)/ public entertainment on the premises must cease until such time as the recommendations are implemented and verified.

#### **110. Licensed Premises – Plan of Management - Operation**

The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

#### **111. Waste/Recycling Collection and Deliveries**

The collection of waste/ recycling and deliveries to the site must only occur between the following hours:

Monday to Friday - 7:00am to 8:00am, 10:00am to 3:00pm, 6:00pm to 8:00pm

Saturday to Sunday and public holidays - 9:00am and 5:00pm

to avoid noise disruption on the surrounding area. Garbage and recycling collection must take place on-site via the loading dock.

#### **112. Operation and Management Plan**

The Operation and Management Plan for the on-site detention, on-site retention/re-use, stormwater quality improvement devices and Pump facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

#### **113. Vehicles Leaving the Site**

All vehicles must enter and exit the site in a forward direction.

#### **114. Loading/unloading on site**

All loading and unloading are to be conducted within the site at all times and in accordance with the Loading Dock Management Plan dated November 2020 submitted by Barker Ryan Stewart. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.

#### **115. Entry/Exit Parton Management**

In order to minimise acoustic impacts and ensure that patrons do not linger security personal associated with the club are to undertake regular patrols of the entry/exits (including the entry driveway on 182 Liverpool Road) after 9:00pm and are to direct patrons to move along away from the locality. The approved plan of management is to be updated to incorporate this new requirement.

## 116. Hours of Operation

- a. The hours of operation of the club premises must not exceed the following:

Day	Hours
Monday to Thursday	10:00am to 12:00am (Midnight)
Friday	10:00am to 12:00am (Midnight)
Saturday to Sunday	7:00am to 12:00am (Midnight)

- b. The hours of operation of the restaurant premises must not exceed the following:

Day	Hours
Monday to Sunday	11:00am to 10:00pm

- c. The hours of operation of the café & deli premises must not exceed the following:

Day	Hours
Monday to Friday	10:00am to 8:00pm
Saturday to Sunday	10:00am to 12:00am (Midnight)

- d. The hours of operation of the gaming area must not exceed the following:

Day	Hours
Monday to Sunday	10:00am to 12:00am (Midnight)

- e. The hours of operation of the function area must not exceed the following:

Day	Hours
Monday to Sunday	10:00am to 12:00am (Midnight)

- f. The hours of operation of the outdoor seating/dining areas must not exceed the following:

Day	Hours
-----	-------



Sunday to Thursday	10:00am to 10:00pm
Friday to Saturday	10:00am to 10:00pm

- g. For a period of not more than 12 months from the issue of the Final Occupation Certificate for the registered club development approved in this consent, the hours of operation of the premises must not exceed the following:

Day	Hours
<i>Club Premises</i>	
Friday	10:00am to 2:00am
Saturday	7:00am to 2:00am
<i>Café &amp; Deli Area</i>	
Monday to Friday	10:00am to 8:00pm
Saturday to Sunday	10:00am to 1:30am
<i>Gaming Area</i>	
Monday to Sunday	10:00am to 30 mins before closing of club premises
<i>Outdoor Seating and Dining</i>	
Sunday to Thursday	10:00am to 10:00pm
Friday to Saturday	10:00am to 11:00pm

- h. The approved function room/area may operate a maximum of 12 events until 2:00am, only on Fridays or Saturdays, within the 12 months from the issue of the Final Occupation certificate for the registered club development approved in this consent. Following the completion of this 12-month period no events within the function room/area may operate to 2:00am, instead events must conclude by 12:00am (Midnight), with service ceasing 30 minutes prior. A continuation of the events/function room trading will require a further application under the *Environmental Planning and Assessment Act 1979*. Any further application for trading must be accompanied by the complaints register required to be kept under this consent.
- i. A continuation of the extended hours will require a further application under the *Environmental Planning and Assessment Act 1979*. Following the completion of the 12-month trial the hours of operation are to revert back to those listed within points

a to f. Any further application for extended trading hours must be accompanied by the complaints register required to be kept under this consent

j. All doors and windows facing externally must remain closed at all times.

k. Service is to cease 30 minutes before ceasing of trading hours.

### **117. Green Roofs, Walls and Facades Establishment**

The plantings within the Green Roofs, Walls and Facades as part of this consent are to be maintained in a healthy and vigorous condition for 12 Months from the issue of an Occupation Certificate. If any of the planting are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate they must be replaced with the same species within one (1) month (up to 3 occurrences).

### **ADVISORY NOTES**

#### **Notice to Council to deliver Residential Bins**

Council should be notified of bin requirements prior to the occupation of the building to ensure timely delivery.

Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service and a site visit by the Crew Supervisor has been undertaken.

#### **Recycling / Garbage / Organics Service Information and Education**

The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

#### **Arborists standards**

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

## **Annual Fire Safety Statement**

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

An annual fire safety statement is a statement issued by or on behalf of the owner of a building to the effect that:

- a. Each essential fire safety measure specified in the statement has been assessed by a competent fire safety practitioner and was found, when it was assessed, to be capable of performing:
  - i. in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or
  - ii. in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
- b. The building has been inspected by a competent fire safety practitioner and was found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution under Division 7.

## **Trade Wastewater Requirements**

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au)

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

## **Backflow Prevention Requirements**

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually.

Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly.

The device is to be located at the boundary of the property. Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.

2. Conduct a site assessment to confirm the hazard rating of the property and its services.

Contact PIAS at NSW Fair Trading on 1300 889 099. For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website: <http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>

### **Water Efficiency Recommendations**

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

## **Health Premises Registration – Generic**

The premises are required to be registered with Council's Environment Health Team in accordance with the following relevant legislation:

- a. *Food Shop - Food Act 2003;*
- b. *Hairdressing Salon / Barber - Public Health Act 2010 and the Local Government (General) Regulation 2005;*
- c. *Skin Penetration - Public Health Regulation 2012;*
- d. *Cooling Tower / Warm Water System - Public Health Act 2010 and Public Health Regulation 2012; and*
- e. *Boarding House / Shared Accommodation - Boarding Houses Act 2012 and the Local Government (General) Regulation 2005.*

## **Food Premises Certification**

The food premises design, construction and operation is in accordance with the following:

- a. *Food Act 2003;*
- b. *Food Regulation 2010;*
- c. *Australia and New Zealand Food Standards Code;*
- d. *Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises);*
- e. *Australian Standard AS 1668 Part 1 – 1998; and*
- f. *Australian Standard AS 1668 Part 2 – 2012.*

## **Food Premises Waste Storage Area**

To ensure adequate storage and collection of waste from the food premises, all garbage and recyclable materials must be stored in a designated waste storage area. The designated waste storage area must be designed and constructed in accordance with the Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises) and Australia and New Zealand Food Standards Code.

## **Mechanical Ventilation System Certification**

The mechanical ventilation systems are to be designed, constructed and operated in accordance with the following:

- a. *Australian Standard AS 1668 Part 1 – 1998;*
- b. *Australian Standard AS 1668 Part 2 – 2012;*
- c. *Australian Standard 3666.1 – 2011;*
- d. *Australian Standard 3666.2 – 2011; and*
- e. *Australian Standard 3666.3 - 2011.*

The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.

## **Underground Petroleum Storage System (UPSS) – Decommissioning**

The removal, replacing or decommissioning of an underground petroleum storage system must comply with the requirements of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*, the *Protection of the Environment Operations Act 1997* and Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks.

## **Asbestos Removal**

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

## **Rock Anchors**

If you are seeking to use temporary anchors, you must make a request for approval for a Permit under Section 138 of the Roads Act 1993. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- a. Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross-sectional details where appropriate.
- b. Demonstrate how the temporary anchors will be removed or immobilised and replaced by full support from structures within the subject site by completion of the works.
- c. The report must be supported by suitable geotechnical investigations to the efficacy of all design assumptions.

## **Electrical Substations**

Should the proposed development require the provision of an electrical substation, such associated infrastructure must be incorporated wholly within the development site and may be the subject of an application for modification of consent.

## **Permits**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip Bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

## **Easement and Covenant Process**

The following documents must be submitted to Council as part of the Easement and Covenant process and requirements, for the site on-site detention/on-site retention/reuse facilities (OSD/OSR) and stormwater quality improvement devices (SQIDS):

- a. Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin and SQIDS with finished surface levels and volume of storage available. Also, the outlet pipe from the detention basin to its connection to the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; orifice size; trash screen at orifice; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels and full details of SQIDS.

b. Engineer's Certificate

A qualified practising Civil Engineer must certify on the completion of drainage works in respect of:

- c. The soundness of the storage structure;
- d. The capacity of the detention storage;
- e. The emergency overflow system being in place;
- f. The works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
- g. The freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
- h. Basement car park pumps are class one zone two; and
- i. OSR pumps and SQIDS have been installed and commissioned.

c. Restriction-As-To-User

A "Restriction-as-to-User" must be placed on the title of the subject property to indicate the location and dimensions of the detention area and stormwater quality improvement device(s) (SQIDS). This is to ensure that works, which could affect the function of the stormwater detention system and SQIDS, must not be carried out without the prior consent in writing of the Council.

Such restrictions must not be released, varied or modified without the consent of the Council.

A typical document is available from Council's Development Assessment Engineer.

d. A Maintenance Schedule.

### **Subsurface drainage pump-out systems**

Where it is demonstrated by detailed geotechnical investigation that the groundwater flows are minimal or intermittent, a pump out system for groundwater may be considered. An application for modification of development consent with supporting documentation must be submitted. Where this option is to be pursued dry-weather flows of any seepage water will not be permitted through kerb outlets and must be connected directly to a Council stormwater system in accordance with Council requirements.

### **Insurances**

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the



works. The Policy must be valid for the entire period that the works are being undertaken on public property.

### **Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

### **Notification of commencement of works**

At least 7 days before any demolition work commences:

- a. the Council must be notified of the following particulars:
  - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
  - ii. the date the work is due to commence and the expected completion date; and
- b. a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

### **Storage of Materials on public property**

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

### **Toilet Facilities**

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

### **Infrastructure**

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

### **Other Approvals may be needed**

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

### **Failure to comply with conditions**

Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

### **Other works**

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

### **Obtaining Relevant Certification**

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent;  
or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

### **Disability Discrimination Access to Premises Code**

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

### **National Construction Code (Building Code of Australia)**

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

## **Notification of commencement of works**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
  - i. The name and licence number of the principal contractor; and
  - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
  - i. The name of the owner-builder; and
  - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

## **Dividing Fences Act**

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

## **Permits from Council under Other Acts**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

## **Noise**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

## Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

## Fire Safety Certificate

The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a. Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b. Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

## Construction of Vehicular Crossing

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for *Construction of a Vehicular Crossing & Civil Works* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

## Dial before you dig

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

## Useful Contacts

BASIX Information

1300 650 908 weekdays 2:00pm - 5:00pm

[www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

Department of Fair Trading

13 32 20

[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Prior to You Dig	1100	<a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660	To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441	<a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	1300 552 406	<a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government		<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555	<a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92	<a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - SITA Environmental Solutions	1300 651 116	<a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)		<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW	13 10 50	<a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a>

Enquiries relating to work safety and asbestos removal and disposal.

## **Street Numbering**

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

## **Public Domain and Vehicular Crossings**

The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for *Design of Vehicle Crossing and Public Domain Works – Step 1* form and *Construction of Vehicle Crossing and Public Domain Works – Step 2* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.