

30 January 2019

Rdo Architect  
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SURRY HILLS NSW 2010

## Notice of determination of development application (Form 4)

(Section 4.18(1)(a) - the Environmental Planning and Assessment Act 1979(as amended))

Development Application	DA-511/2017
Land to be developed	Lot 6 DP 1056368, Lot 5 DP 667932, 147-151 Parramatta Road, AUBURN NSW 2144
Proposed development	Construction of a 8 storey hotel building comprising 112 rooms over 3 levels of basement car park with 2 x building identification signs
Determination	

The consent is granted subject to the following conditions:

### 1. Approved Plans

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

<b>Plan Number</b>	<b>Prepared By</b>	<b>Revision No.</b>	<b>Dated</b>
DA13 – Site Plan	RDO Architect	A	4.12.17
DA14 – Site Elevations	RDO Architect	A	4.12.17
DA15 – Key External Materials	RDO Architect	E	8.1.19
DA17 – Façade & Screening Concept	RDO Architect	E	8.1.19
DA21 – Plan - Level B5&B6 (carpark)	RDO Architect	E	8.1.19
DA22 – Plan – Level B3 & B4 (carpark)	RDO Architect	E	8.1.19
DA23 – Plan Level B1 & B2 (carpark)	RDO Architect	E	8.1.19
DA24 – Plan – Dock & Ground Level	RDO Architect	E	8.1.19
DA25 – Plan – Level 1	RDO Architect	E	8.1.19

DA26 – Plan – Level 2-6	RDO Architect	E	8.1.19
DA27 – Plan Level 7	RDO Architect	E	8.1.19
DA28 – Plan – Roof	RDO Architect	E	8.1.19
DA31 – Elevation – East (Melton Street)	RDO Architect	E	8.1.19
DA32 – Elevation – South (Parramatta Rd)	RDO Architect	E	8.1.19
DA33 – Elevation West	RDO Architect	E	8.1.19
DA34 – Elevation North	RDO Architect	E	8.1.19
DA35 – Cross Section (near grid E)	RDO Architect	E	8.1.19
DA36 – Cross Section (near grid S)	RDO Architect	E	8.1.19
DA55 – Driveway Cross Sections	RDO Architect	A	4.12.17
DA56 – Site Management Plan	RDO Architect	A	4.12.17
LA-DA01 – Groundfloor	Sydney Design Collective	A	Nov 2017
LA-DA03 – Level 2 (communal rooftop)	Sydney Design Collective	A	Nov 2017
LA-DA04 – Level 8 (Manager’s unit)	Sydney Design Collective	A	Nov 2017
LA-DA05 – Sections	Sydney Design Collective	A	Nov 2017
LA-DA06 – Planting (proposed indicative planting)	Sydney Design Collective	A	Nov 2017
DA Acoustic Report – Traffic Noise Assessment 217 104	PKA Acoustic Consulting	R01v1	26.11.17
Waste Management Plan	Elephants Foot Recycling Solutions	B	22.11.17
GTE-921 Geotechnical Investigation	Ground Technologies Pty Ltd	-	22.8.16
Construction Impact Assessment & Management Plan	Arbspec Arboricultural Assessment		18.4.18

except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act (as amended)).

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

## 2. **Time period of consent**

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

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

Reason:- to satisfy the requirements of Section 4.53 of the Environmental Planning and

Assessment Act (as amended).

3.

**Roads and Maritime Services (RMS) requirements**

The following Roads and Maritime Services (RMS) requirements are to be complied with:

1. All buildings or structures (other than pedestrian footpath awnings) are clear of the Parramatta road reserve (unlimited in height of depth).
1. The redundant driveways on Parramatta Road shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Parramatta Road shall be in accordance Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798). A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.
2. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.  
Telephone 8849 2114

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days' notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

3. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Email: [suppiah.thillai@rms.nsw.gov.au](mailto:suppiah.thillai@rms.nsw.gov.au).

4. 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) should be in accordance with AS2890.1-2004, AS2890.6-2009 and AS2890.2-2002 for heavy vehicle usage.

5. The proposed development should be designed such that road traffic noise from Parramatta Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.
6. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Parramatta Road.
7. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Parramatta Road during construction activities.
8. The developer is to comply with the requirements of the Technical Direction (GTD 2012/001). Detailed design drawings and geotechnical reports relating to the excavation of the site and support structures are to be submitted to the Roads and Maritime Services for assessment. The developer is to meet the full cost of the assessment by the Roads and Maritime Services.

The report is to address the following key issues:

- a) The impact of excavation/rock anchors on the stability of the Parramatta Road and detailing how the carriageway would be monitored for settlement.
  - a) The impact of the excavation on the structural stability of the Parramatta Road.
  - b) Any other issues that may need to be addressed. (Contact Roads and Maritime's Project Engineer, External Works Ph: 8849 2114 or Fax 8849 2766 for details).
9. The proposed development should be designed such that road traffic noise from Parramatta Road is mitigated by durable materials to satisfy requirements under Clause 102(3) of State Environmental Planning Policy (Infrastructure) 2007. The Roads and Maritime's Environment Noise Management Manual provides practical advice in selecting noise mitigation treatments.
  10. All works associated with the proposed development shall be at no cost to the Roads and Maritime.
  11. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to the Council prior to the issue of a Construction Certificate.
  12. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

Reason:- to address Roads and Maritime Services requirements.

4. **Privacy Treatment – Level 7 Deck**

The northern elevation of the north facing Manager’s deck on level 7 is to have fixed obscure glazing to a height of 1.6 m above the finished floor level.

*Reason:-* To prevent overlooking into the school grounds from the level 7 deck

5. **Off-Form Concrete Finish**

The off-form concrete elements of the development are to be minimum Class 2, high quality finish. Detail to be provided to the satisfaction of the certifying authority prior to the issue of the relevant **construction certificate**.

*Reason:-* to ensure that the external finishes of the building will be of an acceptable standard.

6. **Amended Landscape Plan**

Prior to the issue of a construction certificate, fully detailed landscape plans are to be prepared and submitted to the satisfaction of Council’s Manager Development Assessment. The plans are to include at a minimum,

- a detailed planting schedule for all landscaped areas of the site,
- planting notes indicating compliance with the relevant Standards and guidelines,
- the number, location, pot size and mature height of each proposed species.

*Reason:-* to ensure that the street setbacks are appropriately landscaped

7. **Auburn DCP 2010 – Employment Generating Development**

A sum of \$ **122,028.99** is to be paid to Council for the purpose of the provision of additional services and public facilities that is likely to generate from employment generating development with the Auburn LGA.

The above sum is broken down to the following items:

<b>Item</b>	<b>Amount</b>
Employment Generating Development	\$122,028.99
<b>TOTAL</b>	<b>\$122,028.99</b>

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

8. **Submission of Construction Certificate**

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

Where an Accredited Certifier issues a construction certificate, a copy of the following documents must be forwarded to Council within 2 days of issue, together with payment of the Council's adopted registration fee: determination; application to which it relates; construction certificate issued; plans and specifications; any fire safety schedule; and any other documents lodged with the certificate.

Any modification involving building works to the approved development made under Section 4.55 of the Environmental Planning and Assessment Act 1979 (as amended) requires the submission of an amended construction certificate.

Reason:- to comply with the requirements of Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Environmental Planning and Assessment Act (as amended) and clause 142 of the Environmental Planning and Assessment Regulation 2000.

9. **Demolition – further consent required**

Further approval shall be obtained from Council or a private certifier prior to the commencement or carrying out of any demolition works at the property.

Reason:- to ensure appropriate consent is obtained for any demolition works carried out at the property.

10. **Tree Protection – Significant Trees**

- a) Prior to the commencement of any works on the site, a Site Arborist with minimum AQF Level 5 qualifications is to be appointed to oversee all tree protection and pruning works.
- b) Prior to the commencement of any works on the site, Tree Protection Zones (TPZs) shall be established around all trees to be retained on the adjacent site, in accordance with the endorsed arborist report.

The TPZ area shall be enclosed with a protective fencing consisting of 1.8m high fully supported chainmesh. Tree Protection Zone signage is to be attached to protective fencing, this must include the name and contact details of the site arborist. Signs shall be attached to all fencing stating that entry to the area is prohibited, and show the site arborist's name and contact details. Unless an area is already covered by a hard surface, the area enclosed by the TPZ is to be kept weed/ grass free and be mulched to a depth of 100mm with an approved mulch.

- c) The trees to be retained (trees 1-19 as identified in the endorsed arborist report) are to be protected throughout all works on site in accordance with Australian Standard AS4970 – Protection of Trees on Development Sites.
- d) Roots with a diameter of 40mm or larger encountered during excavation works outside the TPZ shall be cleanly cut in accordance with accepted arboricultural practices.
- e) All activities not related to tree maintenance are to be excluded from the TPZ, except for the specific works detailed in the arborist report. The TPZ area is not to be used for the storage of materials, stockpiling, siting of work sheds, preparation of mixes,

cleaning of tools or equipment, pedestrian or vehicular activity, including parking. Original soil levels within the TPZ shall not be changed, except where Council approval has been granted for cut or fill within a TPZ, and in this case the work shall be supervised by the appointed Site Arborist.

Refuelling and/ or the maintenance of machinery and equipment is not permitted within 10 metres of any TPZ. The washing down of machinery, chemical, concrete or cement handling equipment or the storage of chemicals is not permitted within 10 metres of any TPZ.

Placement of any underground services shall not take place within any TPZ. Where this is not possible, tunnelling or boring shall be used. Where tunnelling or boring is not possible, all excavation shall be carried out by hand. Any works within the TPZ shall be supervised by the appointed site arborist.

- f) All approved pruning works to trees must be carried out by a suitably qualified and experienced arborist in accordance with Australian Standard 4373 - Pruning of Amenity Trees.

Reason:- To ensure the protection of existing trees on the adjacent site.

#### 11. **Consolidation of lots**

The individual lots are to be consolidated into a single parcel. Written evidence of registration of consolidation by the Land and Property Information Office is to be submitted to Council prior to the granting of the occupation certificate.

Reason:- to ensure the whole of the land essential to the proper operation of the development is preserved.

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

Site works are not to commence until:-

- a) a construction certificate for the building work has been issued by the consent authority, and
- b) the person having the benefit of the development consent has:-
- i) appointed a principal certifying authority for the building work, and
  - ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- b1) the principal certifying authority has, no later than 2 days before the building work commences:-
- i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
  - ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:-
- i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - ii) notified the principal certifying authority of any such appointment, and
  - iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

Reason:- to comply with the requirements of Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Environmental Planning and Assessment Act (as amended).

13. **Principal Certifying Authority**

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



any) as are prescribed by the regulations and on such other occasions as may be required by the principal certifying authority, before the principal certifying authority issues an occupation certificate or subdivision certificate for the building or work, and

- e) that any preconditions required by a development consent or complying development certificate to be met for the work before the issue of an occupation certificate or subdivision certificate have been met, before the principal certifying authority issues the occupation certificate or subdivision certificate.
- 4) A principal certifying authority must also comply with such other requirements of a like or different nature as may be imposed on principal certifying authorities by the regulations.

Reason:- to comply with the requirements of Section 6.5 of the Environmental Planning and Assessment Act (as amended).

14. **Provision of Street Numbers**

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

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

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

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

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

16. **Disabled Access & Facilities**

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises – Building) Standards 2010' (including for existing buildings, whether or not any works are proposed). Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications for the **construction certificate**.

Reason: to ensure compliance with the requirements of the Building Code of Australia

17. **Commonwealth Disability Discrimination Act**

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

Reason: to provide advice on the requirements of the Commonwealth Disability Discrimination

Act 1992

18. **Replacement of Principal Certifying Authorities**

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

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

*Reason:-* to comply with the requirements of Section 6.5 of the Environmental Planning and Assessment Act (as amended) and clause 162 of the Environmental Planning and Assessment Regulation.

19. **Notice to Allow Inspections**

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

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

20. **Erection of Signs**

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

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

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

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

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

21. **Construction/Demolition Hours**

Site works, building works and demolition works, including the delivery of materials or

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

Prior to commencement of any demolition or construction work the applicant is to erect signs on the site, which are clearly visible from the footpaths adjoining the site boundaries, which state the permitted construction/demolition hours. These signs must also state "Any instances of site works, building works, demolition works or deliveries outside the permitted hours can be reported to Cumberland Council on 8757 9000 during office hours or 0417-287-113 outside office hours".

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

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

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

- a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.
- b) A list of any existing fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*)
- c) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*)
- d) A report prepared by a *professional engineer* detailing the proposed methods of excavation, shoring or pile construction, and what measures are to be implemented to prevent damage from occurring to adjoining or nearby premises as a result of the proposed excavation works. (NOTE: Any practices or procedures specified to avoid damage to adjoining or nearby premises are to be incorporated into the plans and specifications for the construction certificate).
- e) Method of protecting window/door openings as required by BCA Part 3.
- f) Method of ventilating the basement car park. (Note: If mechanical ventilation is required, mechanical ventilation plans shall be submitted that also confirm the minimum height clearances specified by AS 2890.1 – Car parking, will be achieved).

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

## 23. **Infrastructure Fee**

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

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

## 24. **Maintain plans on-site**

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

upon request.

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

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

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

- a) Building materials, sand, waste materials or construction equipment;
- b) Bulk bins/waste skips/containers; or
- c) Other items that may cause a hazard to pedestrians.

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

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

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

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

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

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

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

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

28. **Survey Report**

A Registered Surveyors check survey certificate is to be forwarded to the Principal Certifying Authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction**:

*(Setbacks and levels at commencement)*

- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.

*(Setbacks and levels at completion)*

- b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.
- c) No part of the building is to exceed RL 46.40 (including the lift overrun)

Reason:- to ensure each stage of the development complies with the approved plans.

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

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

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

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

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

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

- **Make payment to Council for the rental of the road reserve area in accordance with Council's adopted charges (per metre per month – minimum 3 months) BEFORE the fence/hoarding is erected.**
- **Supply evidence that the road reserve rental fee has been paid to the PCA and to any authorised Council officer.**
- **Comply with Council's specifications for the erection of Class A or B Hoardings.**

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

## 30. **Sedimentation Control**

Prior to the commencement of site works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:-

- a) A dish shaped diversion drain or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
- b) A sediment-trapping fence using a geotechnical fabric specifically designed for such

purpose and installed to manufacturer's specifications is to be placed below the construction area.

- c) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.
- f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system.
- g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
- h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

Such measures are to be maintained at all times to the satisfaction of Council and the Principal Certifying Authority. **Failure to do so may result in the issue of penalty infringement notices.**

Reason:- to minimise soil erosion and control sediment leaving the site during construction and to prevent water pollution from occurring.

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

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

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

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

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

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

33. **Engineering Design – Basement Excavation**

The following engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifying Authority (Council or accredited certifier) **prior to the issuing of a construction certificate**:-

- a) Documentary evidence prepared by a suitably qualified *professional geotechnical*

*engineer* shall be submitted to the certifying authority, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.

- b) A report shall be prepared by a *professional engineer* and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building and excavation works.

Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the **construction certificate**.

A copy of the engineer's report is to be submitted to the Council, if the Council is not the certifying authority.

- c) Driven type piles/shoring **must not be provided** unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.
- d) The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without the specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works**.

Reason:- to ensure the proposed method of excavation is suitable for the site and to prevent damage from occurring to adjoining premises.

34. **Excavations extending below the base of footings of adjoining development**

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. The person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of its intention to excavate below the level of the base of the footing. The person must also furnish the adjoining property owner with particulars of the proposed work.

Reason:- to ensure the support for neighbouring buildings.

35. **Dilapidation Report - Prior to Excavation of Basement**

- (a) A dilapidation report prepared by a *professional engineer* or suitably qualified building professional shall be submitted to the Principal Certifying Authority **prior to the commencement of demolition, excavation or building works**.

The report shall detail the current condition and status of all buildings, including

ancillary structures (*i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.*) located upon all of the premises adjoining the subject site.

The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the abovestated premises, prior to the commencement of any works. The applicant shall bear the full cost of this report.

- (b) Notwithstanding (a) above, certification by a practicing professional engineer in lieu of a dilapidation report may be provided **prior to the commencement of demolition, excavation or building works** certifying that the demolition, excavation and or building works will not have an impact on **any** adjoining structure including ancillary structures (*i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.*).

The applicant shall bear the full cost of this certification and the Council or Principal Certifier reserves the right to request a full report as described in (a) above should the certification provided by the engineer be considered unacceptable or insufficient.

Reason:- to enable the monitoring of any potential damage that may be caused to adjoining premises as a result of excavating and building in close proximity to the adjoining premises.

### 36. **Footpath area to be illuminated**

Where any hoarding or awning is constructed over the public place, the footpath area shall be kept illuminated between sunset and sunrise.

Reason:- the ensure the safety of pedestrians when passing the site.

### 37. **Fencing of construction sites – Rental details to be provided to the PCA (A & B Type Hoardings)**

A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect any hoarding or scaffolding in a public place and such application is to include:

- A payment to Council for the following fees in accordance with Council's adopted charges:
  - Hoarding/Structure Application Fee
  - Rental of Footpath Area (per metre per month – minimum 3 months rental)
  - Footpath Bond
- Submit the following documents to Council with your application:
  - Certificate of Currency for Public Liability Insurance
  - Certificate of Currency for Worker's Compensation Insurance
  - Letter indemnifying Council against claims and expenses made in relation to the existence of the structure and/or traffic provisions
  - Traffic/Pedestrian Control Plan
  - In respect to any required Type B Hoarding, structural certification prepared and sign by an appropriately qualified practising Structural Engineer



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

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

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

Note: A "B Class" overhead type hoarding is required to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:

- Any works or hoisting of materials over a public footway or adjoining premises, or
- Any building or demolition works on buildings which are over 7.5 metres in height and located within 3.6 metres of the street alignment.

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

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. Details of the proposed hoardings or fences located upon the site are to be submitted to the PCA and the public safety provision and temporary fences must be in place prior to the commencement of any site works, demolition, excavation or building works and maintained throughout construction.

Reason: to provide protection to public places, prevent unauthorised access to the site and a safe working environment.

### 38. **Noise from construction activities**

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

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

### 39. **Dial before you dig (advisory)**

Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communications and water.

Before you dig call "Dial before you dig" on 1100 (listen to the prompts) or facsimile 1300 652

077 (with your street no./name, side of street and the distance to the nearest cross street) or register on line at [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) for underground utility services information for any excavation areas.

The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a back yard renovator, an individual tradesman or a professional excavator the potential for injury, personal liability and even death exists every day. Obtaining accurate information about your work site significantly minimises these risks.

Reason: To ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction.

40. **Reinstatement of footpath and footpath crossing**

The footpath and footpath crossing/s adjacent to the property shall be reinstated by Council at the completion of works with all costs being borne by the developer. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

Reason:- to ensure the footpath and the footpath crossings are repaired from any damage caused during the construction phase.

41. **Vehicle Driveway Crossings and Gutter Laybacks**

Arrangements shall be made with Council for the prepaid construction of vehicular crossings and gutter laybacks at all property entrances and exits, and for the removal of all disused driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any occupation certificate.

Removal of obstructions, such as power poles, trees, drainage pits and the like shall be carried out at the applicant's expense.

Reason:- to ensure that works are carried out in accordance with Council's standard.

42. **Carrying capacity of driveways – Heavy duty**

Suitable heavy-duty driveway crossings are to be installed at all ingress/egress points to the property at the applicant's cost by Council. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any occupation certificate.

Reason:- to ensure the driveways can support the expected weight of heavy vehicles likely to frequent the site.

43. **Street boundary levels**

Street boundary levels for vehicle access and drainage purposes are to be obtained at the applicant's cost from Council's Service Planning Department prior to commencement of any works. These levels are to be incorporated in all drainage submissions required under this determination.

Reason:- to ensure the correct levels are obtained and used for the development.

44. **Road opening permit**

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

Reason:- to safeguard Council property against damage.

45. **Restoration works**

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

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

46. **Redundant Driveway**

**Prior to the issue of any Occupation Certificate,** all redundant driveways shall be removed and replaced with footpath and kerb & gutter at no cost to Council. The nature strip area is also to be restored at applicant's cost.

Arrangements shall be made with Council's Service Planning Department for the prepaid for the removal of all disused driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

Reason:- to ensure Council's assets are restored in accordance with Council's standard.

47. **Works within Council Controlled Lands**

(1) For drainage works:

- a) Within Council controlled lands.
- b) Connecting to Council's stormwater drainage system.

Inspections will be required:-

- i) After the excavation of pipeline trenches.
- ii) After the laying of all pipes prior to backfilling.
- iii) After the completion of all pits and connection points.

(2) A minimum of 48 hours' notice shall be given to Council to inspect works.

Inspections may be arranged by telephoning Council's Works and Services Section during

office hours.

(3) Work is not to proceed until the works are inspected and approved by Council.

Reason:- to ensure works on public/Council controlled lands are carried out as per Council's requirements.

48. **Structural Engineering Certificate**

The applicant shall submit a structural engineer's certificate of adequacy verifying that the works as detailed on the approved plans for the storage tank have been completed under his/her supervision and that the design is adequate to support the anticipated design loads. **The certificate shall be submitted to Council with the works-as-executed plan.**

Reason:- to ensure the construction is structurally adequate.

49. **Water Reuse**

The stormwater generated from the roof area shall be reused for the irrigation of the landscape area within the subject development site.

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

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

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

50. **Stormwater Disposal**

All stormwater runoff generated from the proposed development shall be directed to the On site Detention system prior to being discharged to Melton Street South street gutter.

Reason:- to ensure the stormwater is suitably discharged.

51. **Submission of full Stormwater Disposal Details**

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council or the Accredited Certifier to ensure the approved stormwater plans are incorporated with the Construction Certificate.

The details shall be prepared by a suitably qualified person and must be in accordance "Auburn Development Control Plans 2010 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987". In this regard,

- i. The proposed stormwater system shall be generally in accordance with the

**stormwater concept plans 17MB7555/D01 to 17MB7555/D07 issue A dated 17 November 2017 prepared by United Consulting Engineers.**

- ii. All access grates to the high early discharge control pit shall be double (2/900 x 450) hinged grates.
- iii. Maximum spacing between the grated access pits in the OSD shall not exceed 5.0m.
- iv. A 900 x 900 size opening with double (2/900x450) hinged access grate shall be provided behind the flap valve.
- v. Stormwater runoff from the access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.
- vi. Minimum 5000 Litres capacity rainwater tank shall be provided.

Note: "Auburn Development Control Plans 2010 - Stormwater Drainage" is available to purchase at Council or the document can be found at Cumberland Council's web page [www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au)

Reason:- to ensure the stormwater is suitably discharged.

52. **Stormwater Disposal – On-site Detention**

On-site stormwater detention storage is to be provided in conjunction with the stormwater disposal. The storage is to comply with "Auburn Development Control Plans 2010 - Stormwater Drainage". Where multiple detention basins with differing top water levels are used, the basins must be routed to the outlet pit independent of each other.

A positive covenant under Section 88E of the Conveyancing Act is to be created on the title of the property detailing the on-site stormwater detention system incorporated in the development. The wording of the instrument is to be submitted and approved by Council prior to lodgement at the Land Titles Office. Evidence confirming the positive covenant has been registered shall be submitted to Council prior to occupation of the building or issue of the occupation certificate.

Note:

1. Positive covenant wording shall be obtained from Council prior to lodgement.
2. Work as executed plan shall be accompanied by relevant checklists.

Reason:- to prevent localised flooding by ensuring the detention system is maintained as designed.

53. **Maintenance Schedule – OSD**

Prior to the issue of the occupation certificate, a maintenance schedule of the proposed on-site detention facility shall be submitted to Council for approval with the stormwater work-as executed plan. This maintenance schedule shall be registered as part of the positive covenant.

Reason:- to ensure the onsite detention facility is in good working order

54. **Annual Maintenance Inspection of OSD**

Annual maintenance inspection summary of the onsite detention with associated certificates shall be sent to Council within the first month of every calendar year. In this regard:

- All critical inspections shall be carried out by a qualified person.
- A maintenance log book shall be maintained as per the approved maintenance schedule on site and readily available for inspection by a Council officer.
- All associated cost shall be borne by the owner

Reason:- to ensure the onsite detention facility is in good working order

55. **Engineer Certificate for Pump**

A certificate from a practising hydraulic engineer verifying that the stormwater pump installation and the design with the executed levels shall be submitted to the Council with the work as executed plan prior to the release of the Occupation Certificate.

Reason:- to ensure the system has been constructed in accordance with Council's standards and specifications.

56. **Basement Drainage System**

Basement drainage is to comply with "Auburn development control plans 2010 stormwater drainage". In this regard:

- a) Two pump units being installed, the capacity of each being calculated on the basis of hundred year storm recurrence interval and a storm duration of 5 (five) minutes, or pump acting in reserve capacity.
- a) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- b) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration ninety minutes. In addition to this an above ground storage shall be provided up to hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "off" position or if there is a break in electrical supply.
- c) A storm of two hours' duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.
- d) The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.
- e) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.

- f) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

**Reason:- to prevent localised flooding.**

57. **Footpath Construction – Melton Street South**

The footpath adjoining Melton Street frontage shall be reconstructed in accordance with the Council's Standard footpath construction requirements. Site boundary line levels shall be raised to the boundary line levels, with satisfactory end-transitions provided.

- Detail footpath design shall be submitted and approved by Council's Works and Services section **prior to the issue of a Construction Certificate.**
- Street boundary levels obtained from Council shall be incorporated in the design.
- The details of construction requirements shall be requested from the Council prior to commencement of construction.
- Formwork inspection and footpath inspection shall be carried out by Council.
- All associated cost shall be borne by the applicant.
- The footpath shall be constructed at the completion of works and finished to the satisfaction of Council **prior to the issue of an Occupation certificate.**

All associated costs shall be borne by the applicant.

**Reason:-** to provide a safe footpath for increased pedestrian use and one that will complement the Cumberland Council requirements.

58. **Footpath Construction – Parramatta Road**

The footpath adjoining the Parramatta Road frontage shall be reconstructed in concrete unit paving in accordance with the Council's **Parramatta Road footpath paving requirements**. All associated costs shall be borne by the applicant. Site boundary levels shall be raised where necessary to eliminate any existing low-level footpath profiles, with satisfactory end-transitions provided. In this regard,

- Detailed footpath design shall be submitted and approved by Council's Works and Services section **prior to the issue of any Construction Certificate.**
- Street boundary levels obtained from Council shall be incorporated in the design.
- The details of construction requirements shall be requested from the Council prior to commencement of construction.
- Formwork inspection and footpath inspection shall be carried out by Council.
- All associated cost shall be borne by the applicant.
- The footpath shall be constructed at the completion of works and finished to the satisfaction of Council **prior to the issue of any Occupation Certificate.**

**Reason:-** to provide a safe footpath for increased pedestrian use and one that will complement the Auburn Town Centre.

59. **Splay**

A 2.5m splay shall be provided at the south eastern corner of the property. No structures, including basement, shall be located within the splay area. In this regard,

- a) **Prior to the issue of any Construction Certificate** detail plan showing compliance of above requirements shall be submitted to an approved by Principal Certifying Authority.
- a) **Prior to the issue of any Occupation Certificate** splay shall be dedicated to Council and registered with Land and Property Information (LPI) at no cost to Council. Copy of the LPI approved land dedication of the splay area shall be submitted to Council.

*Reason:-* to ensure splay area is clear of any structure and dedicated to Council.

#### 60. **Works-as-Executed Plan – Drainage Plans**

Prior to occupation of the building or issue of the occupation certificate, two (2) copies of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to Council. The W.A.E. plan shall show (where applicable):

- i. Whether all works have been completed generally with the approved drainage plans.
- ii. Any departure from the approved plan and conditions.
- iii. Any additional work that has been undertaken.
- iv. Location, levels and sizes of pipes and pits.
- v. Finished floor and finished surface levels. The location of finished levels should in general correspond with those shown on Council's approved drainage plan.
- vi. Basement pump out volumes.

NOTE: The WAE surface level shall be taken after all landscaping has been completed.

In this regard:

- The above information is to be superimposed on a full sized copy of Council approved drainage plan and is to be submitted to Council.
- Checklists A3, A4 & A5 in the appendix of the "Auburn development control plans 2010 Stormwater Drainage" shall be completed and shall be certified by the practicing hydraulic engineer and the registered surveyor

*Reason:-* to account for minor variations and to ensure Council has the final details.

#### 61. **Arrangements for Water and Sewer Services**

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

**Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 132 092.**

Following application a "Notice of Requirements" will detail water and sewer extensions to be built or charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscaping design.



The Section 73 Certificate must be submitted to the Principal Certifying Authority (Council or accredited certifier) **prior to release of the final plan of subdivision or occupation of the development.**

Reason:- to ensure that adequate water and sewer services can be provided to the site.

62. **Sydney Water Approval**

The approved development application plans must be accompanied by a valid Building Plan Assessment Approval Receipt. This receipt can be acquired through the "Sydney Water Tap" in system by the Sydney Water Authority.

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

- Information on the "Sydney Water Tap in" system and
- Registering and applying for the approval receipt for the Proposed Building Plan.

or telephone 13 20 92.

Note:

The consent authority or accredited certifier must either:

- ensure that a valid approval receipt has been obtained from Sydney Water before the issue of any Construction Certificate (receipt valid usually 1 year from the date of issue); or
- if there is a combined Development/Construction Certificate application, ensure that a valid approval receipt has been obtained prior to works commencing on site.

Reason:- to ensure the development does not damage or interfere with Sydney Water assets.

63. **Aboveground Power Lines**

Where practicable, all existing overhead power lines adjacent to the development site shall be relocated underground to Energy Australia standards and specifications. If not practicable to relocate the power lines underground, arrangements shall be made with Energy Australia to place the conduit to carry those power lines underground so that they can be utilized at a later date by Energy Australia. In this regard all associated costs shall be borne by the applicant.

Reason:- to improve the aesthetic quality of the area.

64. **Discovery of additional information during remediation, demolition or construction**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the PCA immediately.

Reason:- to ensure Council is informed of any new information relevant to site conditions and site contamination associated with the development.

65. **Off-site soil disposal**

Any soil disposed of offsite shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-

Liquid Wastes (1999).

*Reason:-* to ensure soil disposed off-site is classified in accordance with relevant EPA requirements.

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

The area set aside for the parking of vehicles, and so delineated on the plans prepared by RDO Architect and endorsed as part of this consent, shall not be used for any other purpose.

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

67. **Adequate Signs and Pavement Markings Required to Assist Traffic Flow on Site.**

Adequate signs and pavement markings are to be provided to direct the flow of traffic within the site. Details are to be provided prior to the issue of the construction certificate.

*Reason:-* to assist with traffic flow within the development.

68. **Vehicles Driven in Forward Direction**

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

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

69. **Loading and Unloading of Vehicles**

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

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

70. **Surface Runoff**

Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.

*Reason:-* to prevent adverse impact on adjoining properties.

71. **Traffic Management**

A traffic management plan shall be submitted to and approved by Roads and Maritime Services and Council for all demolition, excavation and construction activities associated with the development **prior to commencement of any work within the site.**

*Reason:-* to minimise the impact on street traffic.

72. **Footpath /Nature Strip Maintenance During and After Construction**

The footpath and nature strip within the street frontages shall be maintained during the period of construction to Council's satisfaction.

*Reason:-* to ensure pedestrian safety during the construction period.

73. **Minimum height clearance for carparking spaces and entry to basement car parks**

The minimum height clearance between any structure or fixtures and the driveway/carpark floor level shall be 2.2 metres.

*Reason:-* to ensure vehicles and pedestrians can safely use the carparking facility.

74. **Headroom Clearance – within the Basement**

The headroom clearance within the basement shall comply with the usage. In this regard, minimum 4.0m shall be provided in waste collection area and associated turning area. Other areas shall comply with AS 2890.1 and 2890.6 requirements.

Detail plans showing the compliance of above requirements shall be submitted and approved by the Principal Certifying Authority **prior to issue of a Construction Certificate.**

*Reason:* to ensure headroom clearance complies with Australian Standards AS 2890.1 AS2890.6 and Auburn DCP 2010.

75. **Protective bar to vehicular entry**

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

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

76. **Ramp Gradients**

Circulation ramp grades for car park shall comply with section 2.5.3 of the Australian Standard AS2890.1:2004. In this regard detail longitudinal section of the ramps to a scale of 1:20, shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of any Construction Certificate.**

A copy of the approved plan shall be submitted to Council.

*Reason:-* to ensure the access ramps comply with Australian Standard AS28890.1:2004.

77. **Sediment Control**

Temporary measures shall be provided in accordance with the NSW Department of Housing,

Managing Urban Stormwater, Soils and Construction Manual dated March 2004 and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from the site.

Reason:- to ensure sediment and erosion controls are maintained during the construction process to prevent water pollution from occurring.

78. **Headroom clearance – Loading Area**

The headroom clearance within the loading area shall comply with Australian Standard AS2890.2. In this regard, minimum 4.5 m headroom shall be provided in the loading areas and associated turning areas.

Ramp gradients and transitions for trucks shall comply with Australian Standard 2890.2.

Detailed plans showing compliance with the above requirements shall be submitted and approved by the Principle Certifying Authority **prior to issue of a Construction Certificate.**

Reason: to ensure headroom clearance complies with Australian Standards AS 2890.1 AS2890.6 and Auburn DCP 2010.

79. **Materials and Finishes**

Materials and finishes to the development shall be in accordance with the details of the approved plans and the following requirements:-

- a) Quality and durable materials are to be used throughout the development.
- b) The applied external paint finishes to the building shall have a minimum aggregate thickness of 200 microns.

Reason:- to ensure a high quality appearance to all materials within the development.

80. **Reflectivity Index of Glazing**

The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

Reason:- to ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.

81. **Security fencing**

All security fencing shall be on an alignment of 4.5m to the street boundary. Under no circumstances are gates to open over Council's footway or obstruct access to car parking spaces.

Reason:- to ensure the development operates in accordance with the approval and does not cause a nuisance or a hazard to the public.

82. **Fencing/gates and adjoining land**

There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.

Reason:- to ensure the fence/gates do not restrict access and that encroachments do not occur.

83. **Lighting to publicly accessible areas**

The following lighting requirements shall be complied with:

- a) The public areas shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.
- b) Details of the lighting is to be submitted for the approval of the Principal Certifying Authority prior to issue of the Construction Certificate and location of the lighting endorsed on the construction drawings.

Reason:- to ensure publicly accessible areas of the development are provided with sufficient illumination.

84. **Mail Box Structure**

An Australia Post approved lockable mail box structure(s) shall be centrally located to the primary street entry of the site.

Reason:- to ensure compliance with Council's Development Control Plan requirements.

85. **Suitable arrangements to be made for garbage and recycling services**

Suitable arrangements for garbage and recycling services are to be made with Council prior to occupation of the building.

Reason:- to ensure adequate garbage and recycling services are provided for the development.

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

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

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

**87. Waste Management Plan – New works**

A Waste Management Plan shall be submitted to the PCA for. The plan must be submitted and approved prior to the issuing of the construction certificate.

The approved Waste Management Plan for the site must be displayed in an appropriate location on-site and complied with at all times during construction/remediation/demolition and ongoing occupation.

The builder/construction company shall be provided with at least one copy of the waste management plan.

Reason:- to ensure waste is properly managed.

**88. Display of Waste Management Plan – Ongoing use**

The occupant/body corporate shall be provided with at least one copy of the waste management plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

Reason:- to ensure waste is properly managed by occupants of the building.

**89. Trade Waste Agreement**

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

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

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

**90. Waste Collection**

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

Reason:- to ensure waste is properly disposed of.

**91. Garbage Storage and Collection**

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

Reason:- to ensure that all garbage storage and collection is managed efficiently and without

significant impact on the street.

92. **Contract for Waste Collection**

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

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

93. **Waste and recyclables storage area:**

The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided with the Construction Certificate and endorsed on the construction drawings, and works completed prior to the issue of an Occupation Certificate.

*Reason:-* to ensure the waste and recyclables storage area is appropriately constructed and able to be readily cleaned and maintained.

94. **Final Fire Safety Certificate**

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

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

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

**NOTES:**

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

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

95. **Annual Fire Safety Statement**

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

The certificate shall certify:-

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

**NOTES:**

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

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

96. **Fire Safety Notices**

The fire-isolated stairway, fire-isolated passageway or fire-isolated ramp must contain a notice advising of “Offences relating to fire exits”. The notice shall contain the wording prescribed by Clause 183 of the Environmental Planning and Assessment Regulation, 2000 and the Building Code of Australia.

Reason:- to comply with Clause 183 of the Environmental Planning and Assessment Regulation 2000 and the BCA.

97. **Submission of Works-as-Executed Fire Services Plan**

A *works-as-executed* fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.



Reason:- to ensure a record of the location and type of fire safety services is documented.

98. **Occupation Certificate**

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

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

Reason:- to comply with the requirements of Section 6.9 of the Environmental Planning and Assessment Act (as amended).

99. **Mechanical Ventilation Systems/Cooling Towers**

The mechanical ventilation system shall comply with *Australian Standard AS1668.2 – 1991. The use of mechanical ventilation and air conditioning in buildings*. Prior to installation, the design is to be certified by a person competent to do so. At the completion of the installation of the mechanical ventilation system, the work shall be certified by a person competent to do so. The certification shall include:-

- inspection, testing and commissioning details
- date of inspection testing and commissioning
- the name and address of the individual who carried out the test
- a statement that the service has been designed, installed and is capable of operating to the above standard.

Any cooling tower installation shall be designed, installed and maintained in accordance with the requirement of the Public Health (Microbial Control) Regulation 2000 and Australian Standard *AS/NZS 3666.2:1995 Air-handling and water systems of buildings Microbial control Operation and maintenance*. All waste water from the cooling tower/humidifier/evaporative cooler/warm water system shall be discharged to sewer under a Trade Waste Agreement from Sydney Water.

A copy of the installation certificate shall be submitted to Council **prior to occupation of the building** to enable details of any cooling towers to be entered on Council's Cooling Tower register.

Reason:- to ensure compliance with the Building Code of Australia and Public Health (Microbial Control) Regulation 2000.

100. **Acoustic Performance of Mechanical Plant and Machinery – Selection at Issue of Construction Certificate**

Noise producing mechanical items (such as but not limited to, lift motors, air conditioning, air intakes, ventilation outlets, basement car park ventilation) shall not emit noise when measured at any point on the property boundary of more than 5 dB above background noise level (which for this location shall be taken to be 55 daytime, 50 evening, 45 night) and shall not cause an increase in the amenity noise level (which for this location shall be taken to be 70 day, 60 evening, 55 night). An acoustic report prepared by an experienced and qualified acoustic engineer shall be submitted reviewing selected mechanical plant for consideration of the

construction certificate.

Reason:- to limit any impact that noise emitting plant and machinery will cause to surrounding land users and the locality generally.

101. **Acoustic Certification**

Within three months of the commencement of use of the premises, an acoustic report prepared by a suitably qualified person is to be submitted to the consent authority demonstrating that the noise emitted from the premises complies with the criteria contained in the acoustic report prepared by PKA Acoustic Consulting, Revision R01 dated 26 November 2017.

Reason:- to ensure that the ongoing use of the premises complies with the relevant noise criteria.

102. **Food Premises Fitout – Compliance with Standards**

The fitout of the food premises shall comply with the requirements of *Australian Standard 4674-2004, Design, Construction and Fit-out of a Food Premises* and *Food Safety Standard 3.2.3, Food Premises & Equipment*.

Reason:- to ensure the food premises fitout complies with relevant standards.

103. **Design and Construction of Food Premises**

The design and construction of food premises must comply with the following requirements, as applicable:-

- 1) No alterations to the shop or any fittings therein (including the installation of new items of equipment) are to be made without the prior approval of the Principal Certifying Authority.
- 2) Areas intended to be used for storing & preparing food or for storing food packaging & equipment shall be physically separated from chemical storage areas, living & sleeping areas, toilets & change rooms, garbage & recycling facilities and all other activities likely to pose a risk of food contamination.
- 3) Adequate space shall be provided on the premises for the storage of dry goods, fresh fruit & vegetables, returned food, recalled food, packaging material and utensils & equipment.
- 4) All windows, doors, entrances/exits and serving latches shall be protected against the entry of pests.
- 5) Where doors and windows need to be pest proofed against flying insects only, they may be protected by:-
  - i) Air curtains that effectively prevent insects entering the premises; or
  - ii) Being fitted with plastic strip curtains that effectively exclude flying insects; or
  - iii) Opening into vestibules with self-closing doors; or
  - iv) Fitting the bottom edge of doors or bottom sash of windows (where practicable)

- with a seal; or
- v) Provide a fly zapper that is to remain on during business operating hours.
- 6) Insect control devices shall be installed so that the devices are **not** located directly over food preparation working areas, exposed food, clean equipment and/or unwrapped packaging material.
  - 7) All service pipes, drains, cables and duct penetrations shall be effectively sealed to prevent entry of pests.
  - 8) All service pipes conducts and electrical wiring shall either be concealed in the floor, plinths, walls & ceiling or fixed on brackets to provide a clearance at least 25mm and 100mm from the adjacent vertical and horizontal surface respectively.
  - 9) Spaces between adjoining structures, such a between coolroom / freezer walls and premises walls and the external roof, shall be accessible for inspection and cleaning or sealed with a suitable compound to prevent the entry of pests.
  - 10) The applicant shall refer to Sydney Water for trade waste requirements **prior** to the business use commencing.
  - 11) Grease arrestors shall not be located in areas where food, equipment or packaging materials are handled or stored.
  - 12) In areas where open food is handled or stored, light fittings shall be provided with fitted light diffusers to prevent contamination of food should the globe or tube shatter and allow easy access for cleaning.
  - 13) Floors in the food premises shall be finished with a surface that complies with Table 3.1 of AS 4674.2004.
  - 14) Floors in the food preparation areas shall be graded and drained to a floor waste connected to the sewerage system.
  - 15) The intersection of floors with walls shall be coved in accordance with diagrams 3.1 and 3.2 of AS 4674.2004.
  - 16) The plinths shall be of solid construction and not less than 75mm high with an impervious finish and consistent with the floor surface in table 3.1 of AS 4674 including coving.
  - 17) Walls in the food premises shall be of solid construction and finished with a material in accordance with Table 3.2 of AS 4674-2004.
  - 18) Wall surfaces shall provide a smooth even finish, free of buckles, ledges, fixing screws, picture rails, open joints, cracks & crevices.
  - 19) Ceilings in the food premises shall consist of a non perforated material and finished free of open joints, cracks & crevices.
  - 20) The intersections of walls and ceilings shall be tight jointed, sealed and dust proof.

- 21) Ceilings in other areas shall be installed in accordance with the requirements of Table 3.3 of AS 4674-2004.
- 22) Drop-in removable ceiling panels shall **not** be used in food preparation areas or where open food is being displayed or stored.
- 23) The food premises shall be provided with a single bowl sink with supply of hot water at a temperature of not less than 45°C for washing operations only where pre-packed food, drink and uncut fruit & vegetables are being sold.
- 24) The food premises shall be provided with a double bowl sink with a supply of hot and cold water through a common mixing spout. Hot water shall be provided at a temperature of at least 45°C for washing operations.
- 25) All fixtures, fittings and equipment in the food premises shall be designed in accordance the requirements of Table 4.3 of AS 4674.
- 26) Fixtures, fittings and equipment shall comply with one of the following options:-
  - a) movable for cleaning;
  - a) built into walls with the enclosure completely vermin proofed;
  - b) butted against walls or other equipment and the joints sealed;
  - c) installed with clearance distances compliant with Figure 4.4 of AS 4674.2004; or
  - d) if installed on a plinth, installed such that it overhangs the plinths.
- 27) All equipment used for display or storage of hot foods must be capable of maintaining such food at a temperature of not less than 60°C, and being fitted with an approved thermometer able to read easily from the outside of the appliance for the purpose of measuring this temperature.
- 28) All equipment used for display or storage of cold foods must be capable of maintaining such food at a temperature below 5°C. Frozen foods must remain in a frozen state. The coolroom and freezer must be fitted with an approved thermometer able to be read easily from the outside of the appliance for the purpose of measuring this temperature.
- 29) Hand wash basins shall be provided adjacent to each toilet, with taps that operate hands free. The hand wash basin shall be provided with a permanent supply of warm water delivered through a single outlet.
- 30) Hand wash basins shall be provided at a distance of no greater than five metres from a food preparation area where open food is handled. Hand wash basins shall be provided with taps that operate hands free and be provided with a permanent supply of warm water delivered through a single outlet.
- 31) A sufficient supply of liquid soap and disposable hand towels shall be provided at the hand wash basin.
- 32) A separate area shall be provided for the storage of employees clothing, cleaning material and equipment.
- 33) Toilet facilities shall be in accordance with the BCA and shall be separated from areas

where open food is handled, displayed & stored or provided with self-closing doors and a mechanical exhaust system that operates when the sanitary compartment is in use.

- 34) Access to toilet areas shall not be provided through areas (other than the dining area) where open food is handled, displayed or stored.
- 35) All waste material shall be stored in containers with tight fitting lids at all times.
- 36) No food whether covered or uncovered shall be stored outside of the external building facade.

Reason:- to ensure the fitout complies with the food premises standards.

104. **Compliance with Submitted Acoustic Report**

The recommendations specified in the acoustic report prepared by PKA Acoustic Consulting, reference 217 104 R01v1, dated 26 November 2017, shall be installed prior to issuing of the occupation certificate. All noise reduction measures specified in the acoustic report shall be complied with at all times during operation of the premises.

Reason:- to ensure internal noise levels are suitable for sleeping and repose of persons occupying rooms at the hotel.

105. **Trade Waste**

The food premises must comply with the following requirements:-

- a) Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority prior to the commencement of works.
- b) The disposal of waste materials in the domestic garbage service is not permitted. All waste materials must be collected by a waste contractor authorised by the Waste Service of New South Wales and details of the proposed service to serve the development are to be submitted to Council prior to occupation of the building.

Reason:- to ensure that trade waste is properly disposed of.

106. **Light Overspill**

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*.

Reason:- to ensure light overspill arising from the development does not interfere with the amenity of the locality and complies with relevant Australian Standards.

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

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

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

108. **Noise and Vibration**

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

- a) 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
- b) transmission of vibration to any place of different occupancy above the requirements of AS2670.
- c) a sound pressure LAeq,period at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.
- d) a sound pressure LAeq,15min at any noise sensitive position greater than the intrusiveness criteria determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.

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

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

109. **Foodshop notification and inspection**

- a) Foodshop notification shall be obtained from the NSW Food Authority, **prior** to commencement of business operations and a copy of the notification shall be submitted to Council. Notification can be completed on NSW Health Department's web site at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)
- b) The applicant shall notify Council not less than forty-eight (48) hours **prior** to the proposed occupation of the premise to arrange for a final compliance inspection.
- c) The applicant shall not operate the food premises until an occupation certificate has been issued.

Reason:- to enable registration of the food premises and to ensure appropriate inspections are made of the food premises.

110. **Hours of operation**

The hours of operation of the restaurant component of the development are limited to 6 a.m. to 12 midnight.

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

111. **Use of Restaurant and Pool facilities**

The building is to be used for hotel accommodation only and is not to be altered or adapted for another use without the prior consent of Council.

Use of the restaurant and pool are restricted to hotel guests and employees.

The exterior of the building is to contain no advertising for the restaurant and pool located within the hotel premises.

Reason:- No car parking has been provided on site for the restaurant and pool components of the development.

112. **CCTV Camera System**

Prior to the issue of a final occupation certificate, CCTV surveillance cameras shall be installed in and around the premises, placed in strategic places such as the external entrance and exit doors. The surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request, with the recording device located in a secure area to maintain the integrity of the recorded footage.

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

113. **Plan of Management**

A Plan of Management to govern the use of the proposed hotel shall be prepared and submitted to Council's Manager Development Assessment for approval prior to the issue of a **construction certificate**. The plan shall include (but not be limited to) the following detail:-

- a) Compliance with Work Health and Safety legislation;
- b) Nominated maximum period of stay for guests;
- c) How the hotel will be managed (i.e. bookings restrictions) to ensure that employees and guests of the facility do not park their cars on the street;
- d) Proposed staffing arrangements, including a restriction that the maximum of six employees are to be on site at any time;
- e) Proposed security measures to restrict access to the basement car park and other areas of the development to employees and guests;
- f) House rules regarding guest behaviour, activities and noise, consumption of alcohol;
- c) A process for registering and managing complaints regarding noise, parking, or other impacts in the locality resulting from the use of the hotel;

The use of the hotel is to be carried out in accordance with the Plan at all times. Any changes to the Plan are to be approved by Council prior to implementation.

Reason:- to ensure the use operates in a satisfactory manner.

114. **Separate Development Consent**

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

Reason:- to limit and control advertising.

115. **Business and Building Identification Signage**

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

- a) The approved signage shall be appropriately maintained at all times.
- b) The signage shall be utilised as business identification signage only and shall not be adapted or altered to be third party advertising signage without the further consent of Council.
- c) The signage shall not:-
  - i) flash, move, be animated, scintillate or be decorated with rotating flashing lights;
  - ii) include any apparatus to provide any sound;
  - iii) carry a message(s) which is offensive;
  - iv) give instructions to traffic by the use of the words 'Halt', 'Stop', or any other direction, nor imitate traffic signs in respect to shape, layout or colour;
  - v) contain interchangeable or movable parts;
  - vi) impair or distract the vision of a driver through the intensity of the illumination of the sign;
  - vii) must not impede the ability of the occupants to exit the building under emergency conditions.
- d) The wording to the signage shall be primarily displayed in English but may include a translation in another language.

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

116. **PCA – Inspection of Works – General & Site Management**

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

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

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



- Sediment control measures
- Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

In accordance with the Swimming Pools Amendment Act 2012 all swimming pools must be registered on the state wide online register. Mandatory inspections are required to ensure ongoing compliance and appropriate fees charged.

**ADVISORY NOTE**

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

- a) *Pool excavation/reinforcing steel (for inground pools)*
- b) *The swimming pool safety fence prior to filling the pool with water.*
- c) *Final inspection*

*A minimum of 24 hours notice must be provided to Council to enable the following inspections to be carried out during the course of construction*

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

**117. Child Resistant Barrier**

The proposed swimming pool shall be surrounded by a fence having a minimum of 1200 mm, measured from the outside of the enclosure with any space beneath not exceeding 100 mm:-

- a) that forms a barrier between the swimming pool; and
  - i) any residential building situated on the premises;
  - ii) the remainder of the premises; and
  - iii) any place (whether public or private) adjacent to or adjoining the premises; and
- b) that contains within its bounds no structure apart from the swimming pool and such other structures (such as diving boards and pool filtration plants) as are wholly ancillary to the swimming pool; and
- c) that is designed, constructed and installed in accordance with Australian Standard 1926.1 - Fences and Gates for Private Swimming Pools and the Swimming Pools Act 1992 and regulations.

Reason:- to ensure that the level of protection intended by the Child Resistant Barrier is provided.

**118. Treatment of Existing Boundary Fencing**

Where an existing boundary fence has components that could be used as holds for climbing, a smooth barrier having a minimum width of 1.2 metres externally and 0.3 metres internally of the pool enclosure, shall be installed to the boundary fence, at the point of intersection with the pool safety fence.

Reason:- to prevent a possible foothold being gained by the existing fence rails.

119. **Maintenance of Fencing**

It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard shall be given to the effect that landscaping will have on the future effectiveness of security fencing.

Reason:- to ensure that level of protection intended by the child resistant barrier is maintained.

120. **Resuscitation Poster**

A poster prepared by the Royal Life Saving Society on expired air resuscitation shall be exhibited in a prominent position adjacent to the pool.

Reason:- to aid in the case of a life threatening emergency.

121. **Discharge of Pool Waste Water**

Swimming pool waste water shall be discharged into the sewers of Sydney Water in accordance with their requirements.

Reason:- to prevent a potential nuisance arising from the discharge.

122. **Pool Pump/Filter Noise**

The pool pump/filtration equipment shall be sited well clear of adjacent dwellings and shall be effectively acoustically treated and shall only be operated between the following hours:

- Monday to Saturday (other than a Public Holiday): 7.00am - 8.00pm
- Sunday and Public Holidays: 8.00am - 8.00pm

You are advised that should noise levels exceed 5dBA above the ambient noise level measured at the boundary, you will be required to enclose the filtration motor in an effective sound proof unit.

Reason:- to prevent offensive noise occurring and to comply with the Protection of the Environment (Noise Control) Regulation 2000.

123. **Manager's Accommodation**

Only the Manager of the hotel and members of her/his household are to occupy the Manager's accommodation on level 7. These rooms are not to be used as short or long term accommodation for persons not associated with the hotel Manager.

Reason:- to ensure that the Manager's accommodation is only used for the hotel manager.



Consent to operate from:	16 January 2019	(see note 1)
Consent to lapse on:	16 January 2024	
<b>Other approvals</b>		
List Local Government Act 1993 Approvals granted under s 78A(5)	Not Applicable	
Right of appeal (also see note 3)	<p>If you are dissatisfied with this decision section 8.7, 8.10 of the <i>Environmental Planning and Assessment Act 1979(as amended)</i> gives you the right to appeal to the Land and Environment Court within:</p> <ul style="list-style-type: none"> <li>• 12 months - consents lodged before 27 February 2011</li> <li>• 6 months – consents lodged after 28 February 2011</li> </ul> <p>*Section 8.7, 8.10 of the Environmental Planning and Assessment Act 1979(as amended) does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.</p>	
Signed	on behalf of the consent authority	
Signature Name	<b>Hamish McNulty</b> <b>GENERAL MANAGER</b>	

<b>Note 1</b>	<i>Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.</i>
<b>Note 2</b>	<i>Clause 101 of the Regulation contains additional particulars to be included in a notice of determination where a condition under section 7.11 of the Environmental Planning and Assessment Act 1979(as amended) has been imposed.</i>
<b>Note 3</b>	<i>Section 8.2, 8.3, 8.4, 8.5 of the Environmental Planning and Assessment Act(as amended) permits a review of the determination</i>