
CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-249/2018
Property: Shop 27/22 Northumberland Road, AUBURN NSW 2144
Description: Change of use and fitout of an existing commercial tenancy (Unit 27) for a tutoring centre and associated business identification signs.

1. Approved Plans

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

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
Site Plan Drawing No. DA00 Project No. 0918 (amended in red)	Sam Romanous Architects	Revision E	13 August 2018
Detail Plan Rear Drawing No. DA04 Project No. 0918	Sam Romanous Architects	Revision E	13 August 2018
Detail Plan Front Drawing No. DA05 Project No. 0918 (amended in red)	Sam Romanous Architects	Revision E	13 August 2018
Section BB Drawing No. DA03 Project No. 0918	Sam Romanous Architects	Revision C	30 May 2018
Section Signs 1-2 Drawing No. DA06 Project No. 0918 (amended in red)	Sam Romanous Architects	Revision E	13 August 2018
Section Signs 3-4 Drawing No. DA07 Project No. 0918	Sam Romanous Architects	Revision E	13 August 2018
Waste Management Plan	-	-	-

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. **Limit on student and staff numbers**

The premises shall not have more than a total of 25 persons (students, clients or staff members) onsite at any given time.

Reason: To confirm and clarify the terms of this development consent.

4. **Signage**

The proposed under awning sign (Sign No. 2) shall be relocated to provide a minimum distance of 1.5 metres from the existing signage for Unit 26 and proposed Sign 3 shall be removed.

Details demonstrating compliance shall be submitted to and approved by the **Principal Certifying Authority prior to the issue of a Construction Certificate.**

Reason:- to ensure sufficient distance between existing and proposed signs are provided.

5. **Parking Provision to be Dictated by Strata Approval**

The onsite parking spaces associated with the subject tenancy (Shop 27) and so delineated by the strata approval for the development (SCPC-4/2015), shall only be used in association with the use approved by this development application.

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

6. **Tutoring Centre**

No approval is granted for use of the commercial tenancy as a 'school'. In this regard, classes are not to be conducted for school age students between the hours of 9:00a.m. to 3:00p.m. Monday to Friday during NSW approved school days.

Reason:- to confirm and clarify the terms of this development consent.

7. **Hours of operation**

The hours of operation of the development are as follows:

- a) Hours of operation of the tutoring centre shall be restricted to between 9:00a.m. to 7:00p.m Monday to Friday, 10:00am to 7:00pm Saturdays and 10:00am to 5:00pm Sundays.
- b) Notwithstanding (a) above, the tutoring centre may operate between 9:00am to

9:00pm Monday to Friday, 9:00am to 7:00pm Saturdays and 10:00am to 5:00pm Sundays for a trial period of twelve (12) months from the date of approval.

- c) A further application may be lodged to continue the hours outlined in (b) above before the end of the trial period for Council's consideration. Such consideration will be based on, inter alia, on the performance of the operator in relation to compliance with development consent conditions, and any complaints received and any views expressed by the Police. It should be noted that the trial period and the consent **may** be deemed not to have commenced unless the full range of hours approved has occurred during the trial period.
- d) If the premises has operated successfully in the first trial period in (b) above, and complied with the performance conditions in (c), a second extended 5 year trial period for the extended hours will be implemented.

Reason:- to limit and trial the operating hours of the development so as to reduce the likely nuisance on adjoining development and to permit Council and Police to monitor public safety in the locality.

8. **Outdoor Area**

The outdoor covered and uncovered area located at the rear of the site forming part of Unit 27, shall not be used as tutoring spaces. Under no circumstance shall any classes be conducted in this area at any time.

Reason:- to protect the amenity of the residential use above.

9. **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.

10. **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.

11. **Appointment of Principal Certifying Authority/Notice of Commencement of Work**

Site works are not to commence until:-

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- 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).

12. **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:-

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- 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).

13. **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.

14. **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.

15. **Disabled Access – Alterations to Existing Building**

Access for persons with disabilities, being provided to the principle entrance of the tenancy in accordance with Part D3 of the Building Code of Australia.

Details of compliance are required to be provided in the relevant plans and specifications for the **construction certificate**.

Reason:- to ensure equitable access is provided.

16. **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

17. **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.

18. **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.

19. **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.

20. **Separate Development Consent**

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

Reason:- to limit and control advertising.

21. **Business and building identification signage**

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

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

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

22. **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.

23. **Information required prior to the issue of Construction Certificate**

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

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

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

24. **Infrastructure Fee**

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

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

25. **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.

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

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

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

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

- Sediment control measures
- Provision of perimeter fences or hoardings for public safety and restricted access to building sites.

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

ADVISORY NOTE

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

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

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

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

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

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

- Building materials, sand, waste materials or construction equipment;
- Bulk bins/waste skips/containers; or
- 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.

28. **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.

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 Hoardings.**

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

30. **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:- to ensure the safety of pedestrians when passing the site.

31. **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.

32. **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 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.

33. Asbestos

- a) In the event that asbestos is on a site or building under demolition or construction, WorkCover NSW is to be contacted to ascertain the appropriate response, to ensure the safety and protection of existing and future workers and residents. An Asbestos Removal Contractor licensed by WorkCover NSW is to handle/remove/transport and dispose of any products containing asbestos in a manner approved of by the Department of Environment and Conservation (DEC). Copies of tipping docket are to be retained and able for viewing by Council officers on request.
- b) Asbestos material can only be disposed of at a landfill site nominated by Waste Services NSW for that purpose. An appointment must be made with Waste Services NSW to dispose of asbestos materials at the nominated landfill.
- c) Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:-
- i) Work Health and Safety Act 2011;
 - ii) *The Work Health and Safety Regulation 2011;*
 - iii) *Protection of the Environment Operations Act 1997*
 - iv) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes, NSW EPA, May 1999*
 - v) *Waste Avoidance and Resource Recovery Act 2001.*
 - vi) *The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];*
 - vii) *The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au> ; and*
 - viii) *The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.*

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259.

Under the Work Health and Safety Regulation 2011, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work.

Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting <http://www.workcover.nsw.gov.au> or one of Workcover NSW's offices for further advice.

- d) In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.

Reason:- to ensure the safe handling, treatment and disposal of asbestos materials arising from the demolition/construction works.

34. 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.

35. **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.

36. **Noise**

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an offensive noise as defined under the provisions of the Protection of Environment Operations Act, 1997. Should Council receive requests regarding offensive or intrusive noise, Council may request an acoustic assessment conducted by a suitably qualified acoustic consultant with mitigation measures to be installed.

Reason:- to ensure adequate acoustic amenity in the locality

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

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

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

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

The building is to be used for the use nominated in this consent and is not to be altered or adapted for another use without the prior consent of Council.

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

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

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

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

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

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

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

from the building.

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

41. **Sublease of premises**

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

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

42. **Cleaning of facade**

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

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

43. **No roller shutters**

No roller shutters are to be erected either externally or internally to the shop front. Any form of security devices to the facade such as grilles, shutters, screens or the like must form the subject of a further application to Council.

Reason:- to protect the visual appearance of the streetscape and require further consent to be obtained for the erection of security devices to the premises.

44. **Amenity**

The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

Reason:- to protect the amenity of the locality.

45. **Removal of Litter**

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

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

46. **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.

47. Intruder Alarms

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

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

48. 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.

49. 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.

50. 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.

51. 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).

52. 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:

- Any sediment control measures if required;
- Any provision of perimeter fences or hoardings for public safety and restricted

- access to building sites.
- Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

ADVISORY NOTE

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

- a) *Prior to the commencement of Building Works, ensure erosion controls PCA and the Builders signs are displayed and a temporary toilet is located on site.*
- b) *Subdivision works (including drainage lines and the construction of roadways)*
- c) *The pier holes before they are filled with concrete.*
- d) *The foundation material prior to covering.*
- e) *The steelwork when in position and before concrete is poured (footings, lintels, beams, columns, floors, walls, retaining walls or the like).*
- f) *The dampcourse level, ant capping and floor timbers before the floor materials are laid.*
- g) *The framework including roof members when completed and prior to the fixing of any internal sheets.*
- h) *Prior to covering waterproofing in any wet area.*
- i) *Fire resisting construction before concealment.*
- j) *Upper floor beams and joists before the fixing of any flooring material.*
- k) *The rainwater drainage lines within the property boundaries when completed and before covering.*
- l) *The swimming pool safety fence prior to filling the pool with water.*
- m) *Foundation material before installation of the swimming pool or laying of any bedding material.*
- n) *Pool shell reinforcement including pool coping.*
- o) *Final inspection*

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

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

53. **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.

54. **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.