

1. Approved Plans

The development is to be carried out in accordance with the approved stamped plans and associated amended Statement of Environmental Effects prepared by Mr J M Belmonte, except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans and associated Statement of Environmental Effects will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

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

2. Hours of operation

The hours of operation of the development are limited to 8.00am – 8.00pm Sunday to Thursday; and 8.00am – 11.00pm Friday and Saturdays.

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

3. Development not to interfere with amenity of the area

The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.

*Reason:-*So that the development does not reduce the amenity of the area.

4. Premises to be clean and tidy

The premises are to be maintained in a clean and tidy condition at all times.

*Reason:-*So that the development does not reduce the amenity of the area.

5. External lighting not to cause a nuisance

All exterior lighting associated with the development shall be designed and installed so that no light will be cast onto any adjoining property.

*Reason:-*To prevent the proposed development having a detrimental effect on the developments existing on adjoining land.

6. Fire safety considerations – change of use of building

Having considered the requirements of clause 93 of the Environmental Planning and Assessment Regulations, the following works will need to be carried out to the building:

- (a) The provision of a hold open device to the required exit (front door) in accordance with the requirements and concessions as prescribed by Clause D2.20 (b) of the Building Code of Australia 2011; and
- (b) The provision of a latch to the required exit (front door) in accordance with the requirements as prescribed by Clause D2.21 of the Building Code of Australia 2011.

Reason:- to provide appropriate fire safety measures for the building's proposed new use and to comply with the requirements of clause 93 of the Environmental Planning and Assessment Regulation 2000.

7. Submission of a Final Fire Certificate

Prior to the occupation of the building, the owner of the building shall submit to Council, a final fire certificate in relation to each proposed fire extinguisher.

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 certificate (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and*
- (ii) must cause a further copy of the certificate (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 the fire.*

Reason:-To ensure compliance with Regulation 170 of the Environmental Planning and Assessment Regulation, 2000.

8. Submission of an Annual Fire Safety Certificate

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 175 of the Environmental Planning and Assessment Regulation, 2000.

9. PRESCRIBED CONDITIONS OF CONSENT

The following conditions are known as "Prescribed Conditions" and are required by the Environmental Planning and Assessment Regulation 2000 to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council's Development Department who will be happy to advise you as to whether or not the conditions are relevant to your consent.

1. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).

Reason:-So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulation 2000.

2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Reason:-So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulation 2000.

3. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of the Act,

- in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Reason:-So that the development complies with the requirements imposed under Clause 98B of the Environmental Planning and Assessment Regulation 2000.

4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- showing the name, address and telephone number of the principal certifying authority for the work, and
 - 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
 - stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work is being carried out and must be removed when the work has been completed.

NOTE: This condition does not apply to building work that is carried out inside an existing building that does not affect the external walls of the building.

Reason:-So that the development complies with the requirements imposed under Clause 98A of the Environmental Planning and Assessment Regulation 2000.

5. Any development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- i. protect and support the adjoining premises from possible damage from the excavation, and
 - ii. where necessary, underpin the adjoining premises to prevent any such damage.

NOTE: The condition referred to in sub clause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason:-So that the development complies with the requirements imposed under Clause 98E of the Environmental Planning and Assessment Regulation 2000.