

DRAFT Conditions of approval - DA 2013/044

- (1) The development shall be in accordance with development application number 2013/44 submitted on -, 23/07/2013, and in accordance with the following:

Plan name	Plan number	Date
Scaled site plan	No number	Undated
Floor plan of building	No number	Undated
Western, Eastern & Northern Elevations	No number	Undated

except where otherwise provided by the conditions of this development consent.

- (2) In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.
- (3) This development consent is limited to a period of five (5) years in accordance with Section 95(1) of the *Environmental Planning and Assessment Act 1979*. Following the expiration of this period the consent will lapse unless work relating to the subdivision is physically commenced before the date on which the consent would otherwise lapse.
- (4) The development must not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, light, waste water, waste products, grit or oil, traffic generation or otherwise.
- (5) The number of guests is restricted to a maximum of 8 persons which is the number the existing structure could reasonably accommodate. Occupation of caravans, motor homes, camper trailers, tents or the like in association with the serviced apartment is prohibited on the site.
- (6) The use of the serviced apartment shall be managed to ensure users do not enter No 299 Summerland Way at any time, nor park across the Summerland Way or Boorabee Street driveways to No 299 Summerland Way. Management shall also make tenants aware that visitation by sex workers is not permitted to the serviced apartment.
- (7) ***Insert adopted condition regarding fencing and privacy as provided for in recommendation 2 of the report to Council 11 November 2013***
- (8) A portable fire extinguisher and fire blanket shall be provided and maintained at all times within the kitchen area in accordance with AS 1851.1.
- (9) The rooms within the serviced apartment shall not be let for multiple parties. Letting is restricted to family groups or linked individuals eg social groups or the like.

- (10) A sign must be erected to clearly indicate that off-street parking is available. This signage must be erected and designed to the satisfaction of the Council and must comply with the Kyogle Council *Development Control Plan No. 6 - Outdoor Advertising*.
- (11) No sign or advertisement may be erected in conjunction with this development consent unless otherwise exempted by an environmental planning instrument or development control plan.
- (12) An approved smoke detection alarm system must be installed and maintained in the dwelling in accordance with Part 3.7.2.3 of the Building Code of Australia, Housing Provisions. For your information the following will satisfy the above:
- A smoke detector with battery backup and wired to mains power where available, must be located on or near the ceiling in:-
- a) Any storey containing bedrooms:-
 - i) Between each part of the dwelling containing bedrooms and the remainder of the dwelling; and
 - ii) Where bedrooms are served by a hallway, in that hallway; and,
 - b) Any other storey not containing bedrooms.
- (13) The door to a fully enclosed sanitary compartment must;
- a) open outwards; or
 - b) slide; or
 - c) be readily removable from outside of the compartment.
unless there is a clear space of 1.2 m between the nearest part of the closet pan and the doorway.
- (14) A portable fire extinguisher and fire blanket shall be provided and maintained at all times within the kitchen area in accordance with AS 1851.1.
- (15) The rooms within the serviced apartment shall not be let for multiple parties. Letting is restricted to family groups or linked individuals eg sporting groups or the like.
- (16) The air conditioner must not be audible in a neighbouring home between the hours of 10pm till 7am weekdays and 10pm till 8am weekends and public holidays. At all other times the air conditioner must be operated in such a manner that it does not create offensive noise.
- (17) The proposed landuse shall not result in the emission of offensive noise.

Offensive noise means: noise that by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstance, is likely to:

- a) be harmful to,
- b) be offensive to,

c) interfere unreasonably with the comfort or repose of,

a person who is:

(i) if the offensive noise is made in premises that are not a public place - outside those premises,

or

(ii) if the offensive noise is made in premises that are a public place - within or outside those premises.

(18) The proposed landuse shall not result in the emission of offensive noise as defined in the *Protection of the Environment (Operations) Act, 1997*.

Offensive noise means:

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

(i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or

(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

Note 1: Audible security alarm systems are not permitted.

Note 2: The siting, installation and management of any air conditioning systems must ensure that offensive noise is not created.

Note 3: The siting, installation and management of any heat pump water heating systems must ensure that offensive noise is not created.

Note 4: The siting, installation and management of any swimming pool pump must ensure that offensive noise is not created.

Note 5: The operation of any air conditioner shall be in accordance with the *Protection of the Environment Operations (Noise Control) Regulation 2008*. An air conditioner should not be audible inside a neighbouring residence between the following time periods: 10pm to 7 am on weekdays & 10 pm to 8 am on weekends and public holidays.

Note: The management of all noise generated on the premises from all sources, including noise generated by amplified and non amplified music and by all staff and customers, must ensure that offensive noise is not created. Appropriate management practices must be implemented.

- (19) All security and external lighting must be installed to ensure that no nuisance is caused to neighbouring premises or motorists. Appropriate light selection and shielding and/or other measures must be implemented, and the installation must comply with AS4282 *Control of the Obtrusive Effects of Outdoor Lighting*.
- (20) The curfewed hours requirements specified in Section 2.7 of AS4282 *Control of the Obtrusive Effects of Outdoor Lighting* is determined by the consent authority to be as follows:

Sunday to Thursday 9pm to 6am, Friday and Saturday 10pm to 6am

Light from the shall not exceed the recommended maximum values of light technical parameters for the control of obtrusive light as specified in Table 2.1 of AS4282-1997.

- (21) All new hot water installations shall deliver hot water not exceeding 50 degrees Celsius in residential buildings at the outlet of all sanitary fixtures used primarily for personal hygiene purposes (ie bathrooms and ensuites).
- (22) Mechanical ventilation shall be provided in accordance with the provisions of the Building Code of Australia. Exhaust air is to be ducted directly to the outside of the building.
- (23) **NOTE:** *The applicant and occupier of the premises is alerted to the requirements of the Smoke-Free Environment Act 2000 and the Smoke-Free Environment Regulation 2007 and the guidelines in the Regulation for determining what is an enclosed public place. Enquiries may be directed to the NSW Department of Health. The legislation may be viewed on the following website:*
<http://www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/0>
- (24) The storage of food and materials supplied shall be maintained in a clean and tidy state at all times in accordance with the Food Safety Standards 3.2.2 and 3.2.3.
- (25) All air handling systems shall be maintained to a level which prevents the build up of dust and particulates within the system which may impact upon public health.
An emergency exit sign shall be installed at the front door and maintained in accordance with AS 2293.2.
- (26) That no tree in the road reserve shall be damaged, destroyed or removed without the written consent of the Council.
- (27) Prior to carrying out any works within a public road reserve, the proponent shall complete an application under Council's Road Reserve Management Plan and receive written approval from Council. Satisfactory arrangements for restoration with Council's Infrastructure Works Department shall also be required, with all works constructed according to Council's Development,

Design and Construction Manuals (as amended). All costs shall be the responsibility of the proponent.

- (28) All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development.
- (29) No vehicular accesses may be constructed or opened onto a Council road without the prior written approval of Council.
- (30) In the event that an adjoining landowner requests any existing common boundary fencing to be changed to a solid fence (paling/steel colourbond) the owner of the serviced apartment shall meet at least 50% of the agreed cost to have the fence replaced and installed.