

IDAP REPORT – SECTION 4.55(2) MODIFICATION

Property:	50-52 Broughton Road, Strathfield Lot 1 DP 102072 Lot 1 DP 302100 DA2019/168/3
Proposal:	Section 4.55(2) Modification Application to reduce off-street parking spaces and to delete car stacker arrangement and basement level of child care facility
Applicant:	Broughton Road Montessori Academy Pty Ltd
Owner:	CCA Investment Strathfield Pty Ltd
Date of lodgement:	4 September 2020
Notification period:	21 September to 12 October 2020
Submissions received:	Four (4) submissions
Assessment officer:	M Rivera
Estimated cost of works:	\$2,395,243.00
Zoning:	R2 – Low Density Residential zone – SLEP 2012 Site located in the vicinity of Meredith Street HCA, and listed items at 36, 38, 40 and 41 Broughton Road.
Heritage:	
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL

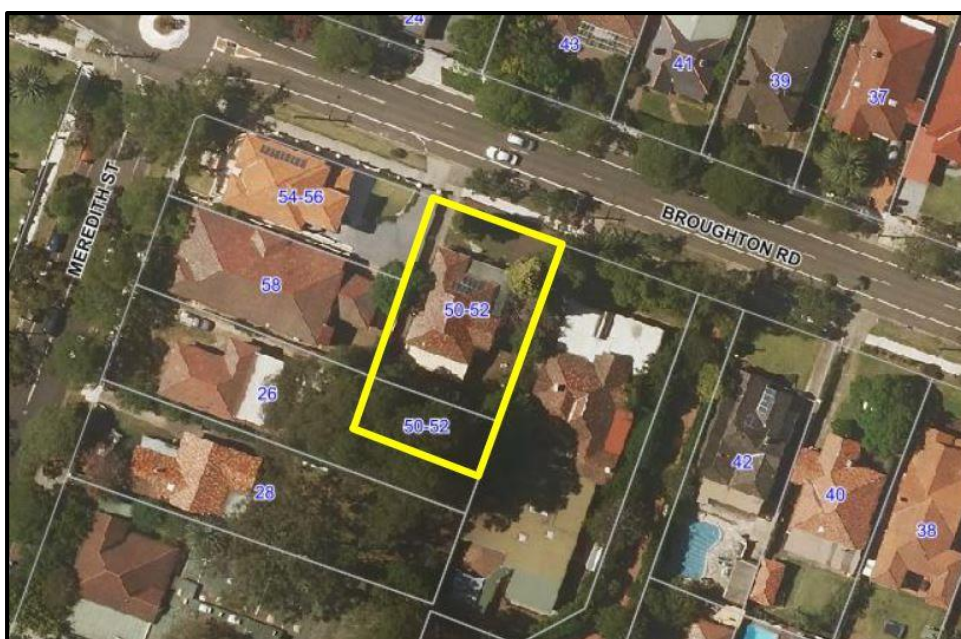


Figure 1. Locality plan. The subject site is outlined in yellow.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the Section 4.55(2) Modification Application to reduce off-street parking spaces and to delete car stacker arrangement within the basement level of child care facility.

Site and Locality

The site is identified as No. 50-52 Broughton Road, Strathfield and is legally described as Lot 1 DP 102072 and Lot 1 DP 302100. The site is a rectangular shaped parcel of land and is located on the southern side of Broughton Road.

The site has a width of 21.335m, a maximum depth of 39.625m and an overall site area of 845.4m².

The locality surrounding the subject site is predominantly characterised by single dwelling houses; however, the eastern boundary of the site adjoins an aged care facility.

Strathfield Local Environmental Plan

The site is zoned R2 – Low Density Residential zone under the provisions of Strathfield Local Environmental Plan 2012 (SLEP 2012) and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

Development Control Plan

The proposed development generally satisfies the provisions of Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005). This is discussed in more detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan (CPP) from 21 September to 12 October 2020. Four (4) submissions were received during this period.

Issues

- Child care centre use
- Traffic
- Parking

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2019/168/3 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received a Section 4.55(2) Modification application seeking approval to reduce off-street parking spaces and to delete car stacker arrangement and basement level of child care facility (the 'proposed modification'). More specifically, the proposed modification involves:

- Removing the car stacker within the basement level;
- Reducing the staff car parking from the eight (8) approved spaces to six (6) spaces; and
- Deleting the excavated pit below the basement level as it is no longer required.

The rest of the approved parking arrangements, including the number of visitor parking spaces, the accessible space and the entry/exit points into the premises remain unchanged.

Aside from the above modifications, the built form and operations of the approved child care centre are unchanged.

The proposed modification seeks changes to Condition 21 of the consent to modify plans and documents that reflect the above.

The Site and Locality

The site is commonly known as No. 50-52 Broughton Road, Strathfield and is legally described as Lot 1 in DP 102072 and Lot 1 in DP 302100. The site is a rectangular shaped parcel of land and is located on the southern side of Broughton Road.

The site has a width of 21.335m, a maximum depth of 39.625m and an overall site area of 845.4m².

The locality surrounding the subject site is predominantly characterised by single dwelling houses; however, the eastern boundary of the site adjoins an aged care facility.

The site is currently occupied by a dwelling house. Vehicular access is provided to the site via an existing driveway off Broughton Road.

A site visit conducted on 22 October 2020 identified that construction works for the approved development have not commenced.

Background

- | | |
|-------------------|---|
| 4 June 2020 | The original development application (DA2019/168) was approved by the Strathfield Local Planning Panel (SLPP). The application was seeking approval for the demolition of existing structures and the construction of a 47-place centre-based child care facility with 8 staff. |
| 4 September 2020 | Section 4.55(2) Modification application (DA2019/168/3) was lodged to Council. |
| 21 September 2020 | The subject modification application was notified for twenty-one (21) days as per Strathfield Council's Community Participation Plan (CPP). Four (4) submissions were received during this period. |

Referrals – Internal and External

Traffic Engineer

Council's Traffic Engineer advised the following:

“Council's DCP Part E Clause 5.6 stipulates the following on-site parking requirement for Child Care Centres:

- *1 space per employee (stack parking is permitted for staff parking), and*
- *1 visitor space per 8 children or part thereof.*

The proposed development comprising 47 children and 8 staff yields an on-site parking required of

- *8 spaces for employee, and*
- *6 spaces for visitors.*

The proposed on-site parking provision of 12 car spaces, comprising 6 staff spaces and 6 drop-off/pick up spaces generates a parking shortfall of 2 staff spaces. The staff travel survey result indicates that only 43% of staff drive to work on average. The actual travel model split suggests there is no need to supply one space per employee which assumes 100% staff drive to work.

For reference, the revised parking provision has also been assessed against the RMS Guide to Traffic Generating Development which sets out the minimum off-street parking rate of one for every four children. The revised parking provision satisfies the aforementioned parking rates. Although RMS guideline should not be the primary reference, the parking rates are generally accepted by the industry.

It is noted that the drawing titled “Floor Plan – Ground Floor” indicates two additional dedicated short-term on-street drop off spaces on the Broughton Road frontage. Parking changes on public roads are subject to Local Traffic Committee and Council approval and cannot determined by development application. As the revised parking provision has satisfied the minimum rates set out by the RMS Guide to Traffic Generating Development, the additional allocation of on-street parking is deemed unwarranted.

Compared to the approved scheme, the proposal in fact may discourage car trips and hence reduce the impact on the road network.

All aspects have been assessed against AS2890 and are considered satisfactory.”

Council's Traffic Engineer objected to the proposed provision of two (2) additional dedicated short term drop-off car spaces located within the road reserve of Broughton Road (as indicated on the Architectural Plans). Accordingly, the condition included in the current consent to ensure that these elements are subject to a separate application to Council's Local Traffic Committee (Condition 2) remains applicable. It is recommended that this condition is retained as part of the modified consent.

Section 4.55 of the EP&A Act 1979

Section 4.55(2) of the *Environmental Planning and Assessment 1979* states the following:

“4.55 Modifications of consents – generally

(2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.”

With regard to subclause ‘a’, Council is satisfied that the proposed modification will result in development that is substantially the same development for which consent was originally granted. The nature of the proposed modification is minor, involving some changes to the parking arrangement of the approved child care centre.

In light of the minor nature of the modification, the proposal is generally considered to be materially and substantially the same development as approved; sharing near identical physical attributes and generating similar environmental and social impacts.

A concurrence was not required from any Minister, public authority or approval authority and this is reflected in the original consent. Accordingly, subclause ‘b’ is not relevant to the proposed modification.

With regard to subclauses ‘c’ and ‘d’, the application was notified in accordance with Strathfield Council’s CPP for a minimum period of twenty-one (21) days, from 21 September to 12 October 2020. Four (4) submissions were received during this time.

Section 4.55(3) of the *Environmental Planning and Assessment Act 1979* also applies to the subject application and states the following:

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

An assessment of the application as modified against the matters referred in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* is contained in this report.

The reasons given by the consent authority for granting consent were as follows:

“The proposed development will have minimal environmental impacts on both natural and built environments, and social and economic impacts in the locality.

The site is suitable for the proposed development. There are no burdens or constraints that would preclude the proposed development.

The majority of the Panel are in agreement with the planning officer’s report. Mr. Markwell is of the opinion that the proposal is an overdevelopment of the site and has a number of concerns relating to non-compliance with the DCP.”

The development as modified will have minimal environmental and social impacts, retains the approved land use of the site (as a child care centre) and character of the immediate locality. The proposed modification only involves changes to the approved parking arrangement. The reduced parking for staff does not achieve the minimum requirement under the SCDCP 2005. Notwithstanding this variation, Council’s Traffic Engineer confirmed that the reduced parking spaces demonstrate compliance with the RMS Guide to Traffic Generating Development and advises that the additional allocation of on-street parking is considered unwarranted. It is further noted that the proposed modification may discourage car trips, thereby reducing traffic impacts. Overall, the proposed modification demonstrates compatibility and suitability with the subject site, and accordingly the reasons for granting approval remain relevant.

The following is an assessment of the application with regard to Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*.

Section 4.15 Assessment – EP&A Act 1979

The following is an assessment of the application with regard to Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*.

(1) Matters for consideration – general

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provision of:**
- (i) any environmental planning instrument,**

Strathfield Local Environmental Plan

The development site is subject to the Strathfield Local Environmental Plan 2012 (SLEP 2012).

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is within the R2 – Low Density Residential zone and the proposal as modified is a permissible form of development with Council’s consent.

Part 4 – Principal Development Standards

None of the numerical development standards under Part 4 of the SLEP 2012 are triggered by the proposal and therefore, require no further consideration.

Part 5 – Miscellaneous Provisions

None of the provisions under Part 5 of the SLEP 2012 are triggered by the proposal and therefore, require no further consideration.

Part 6 – Additional Local Provisions

None of the provisions under Part 6 of the SLEP 2012 are triggered by the proposal and therefore, require no further consideration.

SYDNEY ENVIRONMENTAL PLANNING POLICY (EDUCATION ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

Clause 23 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Educational SEPP) states that:

“Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.”

The proposed modification is considered against the relevant provisions contained in the NSW DPE *Child Care Centre Planning Guideline (2017)*.

Section 2 – Design quality principles

COMPLIANCE TABLE		
Principle	Consideration	Satisfactory
1. Context	<ul style="list-style-type: none"> The proposed modification does not involve any significant changes to the built form as approved that would be highly visible from the public domain or from surrounding properties. The proposed modification does not change the approved development’s compatibility to the general context of the site and surroundings. 	Yes and unchanged.
2. Built form	<ul style="list-style-type: none"> The proposed modification does not change the bulk and scale of the approved development. The massing and design of the built form remains appropriate to the 	Yes and unchanged.

COMPLIANCE TABLE		
Principle	Consideration	Satisfactory
	existing and desired future character of the surrounding area.	
3. Adaptive learning spaces	<ul style="list-style-type: none"> The proposed modification does not involve any changes to the learning spaces as approved. 	Yes and unchanged.
4. Sustainability	<ul style="list-style-type: none"> The proposed modification does not involve changes to the building with regard to cross ventilation, solar access, shade structures, and energy and water efficiency. 	Yes and unchanged.
5. Landscape	<ul style="list-style-type: none"> The proposed modification does not involve any changes to the landscaped treatments as approved. 	Yes and unchanged.
6. Amenity	<ul style="list-style-type: none"> The proposed modification does not involve any changes that would create unacceptable noise impacts to surrounding residences and the adjoining aged care facility. The proposed modification involves a reduction in staff parking; however, Council's Traffic Engineer confirmed that it is unlikely that this will result in any adverse impacts on the local road network. 	Yes
7. Safety	<ul style="list-style-type: none"> The proposed modification involves no changes to the general configuration of the approved development – aside from the car parking arrangement in the basement. The amended basement demonstrates safe and appropriate access for pedestrians and vehicles. 	Yes

Section 3 - Matters for Consideration

COMPLIANCE TABLE		
Consideration	Comments	Satisfactory
<p>Objective: To provide parking that satisfies the needs of users and demand generated by the centre.</p> <p>C31 – Car Parking to meet requirements of DCP;</p> <p>C32 – N/A;</p> <p>C33 – A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any</p>	<ul style="list-style-type: none"> The proposed modification fails to comply with the minimum parking requirement of the DCP. <p>Clause 5.6 in Part E of the DCP stipulates the following on-site parking requirement for child care centres:</p> <p><i>1 space per employee (stack parking is permitted for staff parking), and</i></p> <p><i>1 visitor space per 8 children or part thereof.</i></p> <ul style="list-style-type: none"> The proposed modification involves a six (6) parking spaces for staff – reducing the approved number by two (2). Council's Traffic Engineer confirmed that whilst the shortfall is a variation to the DCP control – when tested against the RMS Guide to Traffic Generating Development, the modified parking arrangement demonstrates compliance. A Traffic and Parking Assessment Report was provided as part of the modification application. Council's Traffic Engineer advised that the proposed modification will not result in adverse traffic impacts. 	Yes.

COMPLIANCE TABLE		
Consideration	Comments	Satisfactory
<p>proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> the amenity of the surrounding area will not be affected; there will be no impacts on the safe operation of the surrounding road network. 		
<p>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</p> <p>C34 – Alternate access must be demonstrated where the site fronts:</p> <ul style="list-style-type: none"> classified road; road used for freight / dangerous goods / hazardous materials <p>C35 – N/A – The site is not located in a cul-de-sac or narrow lane/road.</p>	<ul style="list-style-type: none"> The proposed modification does not change the approved vehicle access from the street. It is noted; however, that the proposed modification is seeking approval for two (2) additional dedicated short term drop-off car spaces located within the road reserve of Broughton Road. As mentioned above, any changes to parking on public roads are subject to approval by Council's Local Traffic Committee. This element cannot be approved as part of any development application. A condition is recommended to delete any references/annotations to this. 	Yes.
<p>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</p> <p>C36 – Design solutions may be included to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> separate pedestrian access from car park to facility; pedestrian paths that allow two prams to 	<ul style="list-style-type: none"> The proposed modification does not involve changes to pedestrian access from the street and around the site. 	Yes and unchanged.

COMPLIANCE TABLE		
Consideration	Comments	Satisfactory
<p>pass each other;</p> <ul style="list-style-type: none"> • delivery and loading areas located away from main pedestrian access; • vehicles can enter and exit site in forward direction. <p>C37 – N/A – Mixed use development only</p> <p>C38 – Car parking should include:</p> <ul style="list-style-type: none"> • child safe fence separating building entrance from parking areas / play areas; • compliant Accessible parking space provided; • wheelchair and pram accessible parking to be provided. 		

None of the provisions under Section 25 of the Educational SEPP are triggered and therefore, require further consideration.

None of the provisions under Part 7, Section 57 of the Educational SEPP are triggered given that the proposed modification is not considered a traffic-generating development as it results in a child care facility that accommodates less than 50 children.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The proposal does not involve changes to the approved land use. Therefore, the objectives outlined within SEPP 55 are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation.

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposed development as modified does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP. The aims and objectives outlined within the SEPP are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Broughton Road is classified as a 'regional' road by RMS. Accordingly, the provisions of Clause 101 Development with frontage to a classified road applies.

The proposed modification satisfies objective (a) in Clause 101(1) in that the new development will not compromise the effective and ongoing operation and function of the classified road.

The consent authority can be satisfied of the matters required to be satisfied under subclause (2)(b) and (c), in that:

- the safety, efficiency, and ongoing operation of the classified road will not be adversely affected by the development, and
- the development is appropriately located and has been designed to ameliorate potential traffic noise arising from the adjacent classified road.

Subclause (2)(a) does not apply as there is no alternative access to the site other than by the classified road.

There are no additional matters for consideration. As such, the proposal is satisfactory with regard to SEPP (Infrastructure) 2007.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

There are no draft planning instruments that are applicable to this site.

(iii) any development control plan,

The proposed development, as modified, is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005 (SCDC) 2005). The following comments are made with respect to the proposal satisfying any applicable objectives and controls contained within the DCP, where applicable to the proposed changes:

PART E – CHILD CARE CENTRES (SCDCP 2005)

Clause 1.2 – Objectives of Part E

The proposal satisfies objectives (a) to (h) inclusive under Clause 1.2 of Part E of SCDCP 2005.

Clause 5.6 – Traffic Parking and Access

A Traffic and Parking Assessment Report (17/08/2020) was submitted as part of the subject application. The proposed modification involves a reduced number of off-street parking for staff – from eight (8) to six (6). Accordingly, the proposal fails to meet the minimum parking requirement under Clause 5.6. As mentioned above, Council’s Traffic Engineer advised that the reduced parking is a supportable outcome given that it is compliant with the RMS Guide to Traffic Generating Development.

It is noted that the number of parking spaces for visitors and the accessible space, as approved, remain unchanged and demonstrates compliance under Clause 5.6. The proposal to provide two (2) dedicated on-street short term drop off spaces are to be the subject of a separate application to Council’s Local Traffic Committee. Therefore, Condition 2 remains applicable and should be endorsed.

The variation to the minimum parking requirement (for staff) demonstrates sufficient merit and is supportable. Accordingly, the proposed modification is considered acceptable with regard to Clause 5.6.

(iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,

The provisions of this clause are not relevant to the modification and have been addressed/considered as part of the original development consent.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The proposed development, as modified, is of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

(c) the suitability of the site for the development,

It is considered that the proposed development, as modified, is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

(d) any submissions made in accordance with this Act or the regulations,

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of twenty-one (21) days where adjoining property owners were notified in writing of the proposal and invited to comment. Four (4) submissions were raised from the following properties:

1. No. 11 Bates Street, Strathfield
2. No. 39 Broughton Road, Strathfield
3. No. 2 Arthur Street, Strathfield
4. No. 54-56 Broughton Road, Strathfield

The submissions raised the following issues:

- ***Traffic and off-street parking impacts due to reduced parking***

Response: Council's Traffic Engineer assessed the application and confirmed that the proposal is unlikely to generate significant or adverse traffic impacts.

- ***Child care centre should be moved closer to the train station***

Response: The proposed modification does not involve any changes to the approved land use as a child care centre.

- ***A child care centre is inappropriate for the site***

Response: As above, the child care centre is an approved development. The proposal does not affect this approved land use.

Signed:

**M Rivera
Planner**

Date: 23 October 2020

- I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- I have reviewed the details of this modified development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.

Signed:

**P Santos
Planner**

Date: 26 October 2020

Conclusion

The application for modification has been assessed having regard to the Heads of Consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the provisions of the SLEP 2012 and SCDCP 2005.

Following detailed assessment it is considered that Development Application No. 2019/168/3 should be approved.

1. The original conditions of consent of Development Application No. DA2019/168 as approved by the Strathfield Local Planning Panel on 5 June 2020 for the demolition of existing building and construction of a child care centre accommodating 47 children and 8 staff with basement parking for 12 vehicles. Hours of operation 7am to 6pm Monday to Friday at 50-52 Broughton Road, Strathfield.
2. As modified by the Section 4.55(2) application (DA2019/168/3) as follows:
 - Modify Condition 21 – Approved Plans and Reference Documentation
 - Add Condition 59A – Parking Allocation

Accordingly, Development Consent No. DA2019/168 is approved as per the following:

SPECIAL CONDITIONS

1. MODIFICATIONS OF DETAILS OF THE DEVELOPMENT (SC)

The approved plans and the Construction Certificate plans and specifications must detail the following:

- a) The underside of the Level 1 rear deck above the ground floor play area is to be lined with acoustic absorptive material (such as CSR Martini Polyester 50mm thick Absorb (MD50) with a perforated facing that has an open area of at least 23% to reduce reverberant build-up of sound in that space.

(Reason: Compliance with the physical noise controls specified in the *Acoustic Assessment Report*, prepared by The Acoustic Group, dated 26/09/2019 and Supplementary Report dated 27/03/2020).

- b) The front fence shall be redesigned to include exposed brick to the low-lying portion of the fence. The height of the fence and open infill shall remain unchanged

(Reason: To respect the heritage item opposite and use of brick materials in heritage items in the vicinity and ensure consistency with the prevailing streetscape character).

- c) Proposed 1900mm high frosted glass balustrading to the first floor outdoor area is to be clear glazing.

2. DEVELOPMENT CONSENT IS NOT GRANTED IN RELATION TO THESE MATTERS (SC)

- a) Signage. Any signage is to be the subject of a separate application to Council.
- b) Works within the road reserve. Removal of an existing kerb island refuge on Broughton Road and use of any on-street parking spaces for the purpose of a drop-off/pick-zone is to be the subject of a separate application to Council's *Local Traffic Committee*.
- c) Construction of the vehicular crossing. A separate application shall be made to Council's *Urban Services Division* for the construction of the new vehicular crossing.

(Reason: To ensure appropriate approvals are obtained).

3. MECHANICAL PLANT NOISE TARGETS (SC)

In accordance with the Acoustic Report, prepared by The Acoustic Group, dated 23/10/2029, noise from mechanical plant shall not exceed the following noise targets:

Residential Assessment Location	Noise Target – dB(A)
A	43
B	38
C	37
D	40
E	43

Details demonstrating compliance shall be submitted with the CC application to the satisfaction of the PCA.

(Reason: To achieve compliance with the EPA's intrusiveness noise level requirements).

4. OUTDOOR PLAY AREA RESTRICTIONS (SC)

Use of the outdoor play areas is to be restricted to the following:

Outdoor Play Area	Age Group	Maximum capacity	Times
1	3 to 6-year-olds	10 children	10:30am – 11:30am 3:00pm – 5:00pm
2	3 to 6-year-olds	10 children	10:30am – 11:30am 3:00pm – 5:00pm
3	2 to 3-year-olds	15 children	10:30am – 11:15am 3:00pm – 5:00pm
4	0 to 2-year-olds	12 children	9:45am – 10:45am 3:00pm – 5:00pm

The *Plan of Management* shall be updated to be consistent with this.

(Reason: To achieve compliance with noise emission targets).

5. REMEDIATION OF LAND (SC)

Following demolition of the above-ground structures (including hardstand materials) and before the commencement of any works as part of this consent, the following works are to be undertaken:

- a) Further to the Combined Stage 1 Preliminary Site Investigation & Stage 2 Detailed Site Investigation carried out by Alliance Geotechnical Pty Ltd (Report dated 17/12/2018 Rev 0 – Report No. 8291-ER-1-1), a supplementary contamination assessment shall be undertaken to further characterise the nature and extent of the elevated concentrations of lead (Pb) in soil risk.
- b) Pending the findings of the supplementary contamination assessment, a Remedial Action Plan (RAP) is to be prepared to address unacceptable soil contamination related to human health exposure risks. The RAP should be prepared by a suitably experience consultant with reference to NSW OEH (2011)

and include (but not be limited to) the following:

- a remedial goal for the site;
- the proposed testing to validate the site after remediation;
- a contingency plan to address unexpected finds or if the selected remedial strategy
- fails; and
- a site management plan (for the remediation works).

c) All remediation work is to be carried out in accordance with Clause 17 and 18 of State Environmental Planning Policy No 55 – Remediation of Land.

(Reason: To satisfy the requirements of SEPP 55 – Remediation of Land).

6. **ACCESSIBILITY (SC)**

The Construction Certificate application shall demonstrate compliance with *Part D3*, Clause F2.4 and Clause E3.6 'deemed-to-satisfy' requirements of the Building Code of Australia 2019 (BCA), The Disability (Access to Premises – Buildings) Standards 2010, and Australian Standards AS1428.1-2009 – Design for Access and Mobility – Part 1: General requirements for access – New building work, and AS2890.6 – Off-street parking for people with disabilities.

The recommendations/performance solutions identified in the Accessibility Design Review Report, prepared by ABE Consulting, Version 1 dated 23/10/2019 (Doc ID 1841195) shall be fully complied with and incorporated into the CC application.

(Reason: To meet accessibility requirements).

7. **MATERIALS PALETTE**

The materials palette is to be generally consistent with the approved architectural plans in material, finish, and colour.

(Reason: To ensure consistency with the approved development).

8. **CHILD CARE FACILITY – MAXIMUM NUMBER OF CHILDREN AND STAFF (SC)**

A maximum number of eight (8) staff are permitted to work on the premises at any one time. Student enrolments are limited to forty-seven (47). Any modification to this number requires a Section 4.55 modification application to be submitted to Council for approval.

(Reason: To ensure consistency with the terms of this approval and environmental amenity).

9. **HOURS OF OPERATION (SC)**

The hours of operation of the premises (i.e. hours open for business) must not exceed 7am to 6pm Monday – Friday. Any variation to this requires the submission of a section 4.55 application to Council.

(Reason: To ensure the business operates between the approved hours.)

10. **CHILD CARE FACILITY – SERVICE APPROVAL (SC)**

A service approval is to be obtained from the NSW Department of Education, prior to any operation of the service.

(Reason: Requirement of the NSW Department of Education).

11. **DELIVERIES – REVISED PLAN OF MANAGEMENT (SC)**

The shared use of the visitor parking between visitors (parents) and deliveries is acceptable. The *Plan of Management* (POM) is to be updated to be consistent with this (The POM currently proposes the use of staff spaces for deliveries).

(Reason: Requirement of the NSW Department of Education).

12. **VEHICULAR ACCESS (SC)**

All vehicles must enter and leave the site in a forward direction, at all times.

(Reason: Recommendation of Council's Traffic Engineer to ensure traffic safety).

13. **CAR PARKING - VEHICULAR ACCESS RAMPS (SC)**

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- (i) (Other sub-conditions imposed by development engineer)
- (ii) A 2.0m x 2.5m sight triangle is to be provided at property boundary along the western side of the driveway and the area is to be kept clear from obstructions to visibility, as per AS/NZS 2890.1:2004 Clause 3.2.4.
- (iii) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (iii) above shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'.

(Reason: To ensure adequate vehicular access can be achieved.)

14. **EMERGENCY FLOOD RESPONSE MANAGEMENT PLAN (SC)**

Prior to the issue of any Construction Certificate, an emergency flood response management plan is to be developed by a suitably qualified person.

(Reason: In accordance with the recommendation under Section 10.0 of the Flood Study Report, prepared by AKY Civil Engineering, dated 23/10/2019).

15. **FLOOD PROTECTION (SC)**

The flood protection measures outlined in Section 9.0 of the Flood Study Report (Ref: 1841183, Version 1 dated 23/10/2019) shall be detailed on the Construction Certificate drawings to the satisfaction of the Principal Certifying Authority.

(Reason: Flood safety).

16. **GEOTECHNICAL DESIGN, CERTIFICATION AND MONITORING (SC)**

The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation* must be accompanied by a Geotechnical Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical engineering. The design shall incorporate the recommendations contained in Section 5.0 of the Preliminary Geotechnical Investigation Report (Ref: 8291-GR-1-1 Rev A, prepared by Alliance Geotechnical Pty Ltd, Rev A dated 28/04/2020).

These details must be certified by the professional engineer to:

- a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.
- b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).
- c) Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.
- d) Provide tanking of all below ground structures to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.
- e) Provide a Geotechnical Monitoring Program that:
 - Will detect any settlement associated with temporary and permanent works and structures,
 - Will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like),
 - Will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity),
 - Will detect groundwater changes calibrated against natural groundwater variations,
 - Details the location and type of monitoring systems to be utilised,
 - Details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,
 - Details recommended hold points to allow for the inspection and certification of geotechnical measures by the professional engineer, and
 - Details a contingency plan.

(Reason: Site stability and to minimise impacts during excavation works).

17. **DILAPIDATION REPORTS FOR EXISTING BUILDINGS (SC)**

Dilapidation surveys must be conducted and dilapidation reports prepared by a professional engineer (structural) of all buildings on land whose title boundary abuts

the site and of such further buildings located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration.

These properties must include (but is not limited to):

- a) 54 Broughton Road;
- b) 58 Broughton Road;
- c) 26 Meredith Street; and
- d) 46-48 Broughton Road.

The dilapidation reports must be completed and submitted to Council with the Notice of Commencement prior to the commencement of any development work.

Where excavation of the site will extend below the level of any immediately adjoining building the Principal Contractor or Owner-builder must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the Notice of Commencement required by section 6.6 of the *Act* not less than two (2) days prior to the commencement of any work.

(Reason: To provide a record of the condition of buildings prior to development being carried out.).

18. **VIBRATION MONITORING (SC)**

Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the Principal Contractor and any sub-contractor are easily alerted to the event.

Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the Principal Contractor and any sub-contractor clearly setting out required work practice.

The Principal Contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.

A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.

Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, Principal Contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.

(Reason: To mitigate impacts to any adjoining land.)

19. **COMPLIANCE WITH GEOTECHNICAL MONITORING PROGRAM (SC)**

Excavation must be undertaken in accordance with the recommendations of the Geotechnical Monitoring Program and any oral or written direction of the supervising professional engineer.

The Principal Contractor and any sub-contractor must strictly follow the Geotechnical Monitoring Program for the development including, but not limited to:

- a) The location and type of monitoring systems to be utilised,
- b) Recommended hold points to allow for inspection and certification of geotechnical measures by the professional engineer, and
- c) The contingency plan.

(Reason: To mitigate impacts to any adjoining land.)

20. **TREE PROTECTION MEASURES (SC)**

The recommendations contained in Section 5 of the Arboricultural Impact Assessment Report (Ref: 1841180) prepared by Jacksons Nature Works, Version 1 dated 23/10/2019 (Arborist Report) shall be fully complied with, including but not limited to the following:

- Tree protection measures for trees to be retained on the adjoining land (Trees 3A, 3B, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 & 23) are to be installed as per the Arborist Report and Australian Standard AS4970-2009: Protection of trees on development sites.
- A Tree Management Plan is to be prepared as part of the Construction Certificate application by an AQF Level 5 Arborist.
- An AQF Level 5 Project arborist shall be engaged to supervise the building works and certify compliance with all Tree Protection Measures.

(Reason: To protect trees to be retained).

21. **APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)**

The development, except where modified by a condition(s) of consent, is to be carried out in accordance with the following plans and reference documentation:

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. **2019/168**:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council	
DA-020	Demolition Plan	Jackson Teece	Issue 1 / 25/09/2019	31/03/2020	
DA-030	Site Plan		Issue 1 / 25/09/2019		
DA-108	Floor Plan – Egress Corridor		Issue 3 / 13/03/2020		
DA-109	Floor Plan – Basement 1		Issue 3 / 13/03/2020 Issue 4 / 10/08/2020		
DA-110	Floor Plan – Ground Floor		Issue 5 / 17/03/2020		
DA-111	Floor Plan – Level 1		Issue 2 / 13/03/2020		
DA-120	Floor Plan – Roof Plan		Issue 2 / 13/03/2020		
DA-200	Elevations – 01		Issue 1 / 25/09/2019		
DA-201	Elevation – 02		Issue 1 / 25/09/2019		
DA-300	Sections – 01		Issue 2 / 28/02/2020		
DA-301	Sections – 02		Issue 2 / 28/02/2020 Issue 3 / 10/08/2020		
DA-350	Sections – Detailed Basement		Issue 2 / 28/02/2020		
000	Landscape Coversheet		Site Image Landscape Architects		Issue L / 26/03/2020
001	Overall Landscape Plan				Issue L / 26/03/2020
002	Ground Floor – Rear play area	Issue L / 26/03/2020			
003	Level 1 – Rear play area	Issue G / 26/03/2020			
004	Landscape Sections	Issue I / 26/03/2020			
005	Typical Details	Issue F / 26/09/2019			
006	Landscape Section 2	Issue A / 26/03/2020			

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. **2019/168**:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Accessibility Design Review Report	ABE Consulting	V1.1 / 03/10/2019	15/10/2019
Acoustical Assessment Report (Ref: 49.5376.R1A:MCC)	The Acoustic Group	26/09/2019	15/10/2019
Supplementary Acoustic Report (Ref: 50.5376.L2:MCC)	The Acoustic Group	27/03/2020	31/03/2020
Arboricultural Impact Assessment Report	Jacksons Nature Works	14/10/2019	15/10/2019

Revised BCA Assessment Report		Rev 3 / 30/03/2020	31/03/2020
Revised Preliminary Fire Safety Engineering Review	Warringtonfire	30/03/2020	31/03/2020
Flood Study Report	AKY Civil Engineering	Oct 2019	15/10/2019
Combined Stage 1 Preliminary Site Investigation & Stage 2 Detailed Site Investigation Report	Alliance Geotechnical Pty Ltd	Rev O / 17/12/2018	15/10/2019
Heritage Impact Statement (Ref J3697)	Weir Phillips	Sept 2019	15/10/2019
Revised Montessori Plan of Management	Montessori Academy	V1.0 / 08/10/2019	31/03/2020
NCC Section J1 & J2 Review (Ref: 1023289-ESD-RPT-001)	Cundall	Rev A / 03/10/2019	15/10/2019
Statement of Environmental Effects (Ref: M190036)	Planning Ingenuity	11/10/2019	15/10/2019
Traffic and Parking Assessment Report (Ref: 19133)	Varga Traffic Planning Pty Ltd	04/10/2019	15/10/2019
S4.55 Traffic and Parking Assessment Report (Ref: 19133)	Varga Traffic Planning Pty Ltd	17/08/2020	04/09/2020
Supplementary Traffic and Parking Report	Varga Traffic Planning Pty Ltd	09/03/2020	31/03/2020
Waste Management Plan	Dickens Solutions	Sept 2019	15/10/2019

In the event of any inconsistency, the conditions of this consent shall prevail.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council.)

MODIFIED BY: DA2019/168/3 30 October 2020

22. **CONSTRUCTION HOURS (GC)**

No construction or any other work-related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8am to 1pm Saturdays.

No building activities are to be carried out at any time on a Sunday or public holiday.

Where the development involves the use of jackhammers/rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

(Reason: To maintain amenity to adjoining land owners.)

23. CONSTRUCTION WITHIN BOUNDARIES (GC)

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

(Reason: Approved works are to be contained wholly within the subject site.)

24. DEMOLITION – GENERALLY (GC)

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

(Reason: To ensure compliance with the approved development.)

25. DEMOLITION - SITE SAFETY FENCING (GC)

Site fencing is to be erected to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site, prior to any demolition works occurring and maintained for the duration of the demolition works.

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding/fencing along the street frontage(s) complying with WorkCover requirements must be obtained including:

- Payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- Provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory requirement and health and safety.)

26. LANDSCAPING - CANOPY TREES IN FRONT SETBACK (GC)

New development shall provide at least two (2) canopy trees within the front setback adjacent the front boundary (existing trees may be included). New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 10m.

Species shall be selected from Council's Recommended Tree List (Available from Council's website or from the Customer Service Centre). Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To ensure the landscape character of the locality is maintained.)

27. LIGHTING (GC)

Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external signage associated with the development, without the prior approval of Council.

(Reason: To protect the amenity of surrounding development and protect public safety.)

28. PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- i) The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- ii) The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person; and
- iii) The sign must state that unauthorised entry to the work site is prohibited.

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

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(Reason: Statutory requirement.)

29. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.

- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
- xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xix) Any work must not prohibit or divert any natural overland flow of water.
- xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

30. **WASTE – TRACKABLE (GC)**

Removal of trackable waste (as defined by the NSW Environment Protection

Authority) from the site must comply with the Protection of the Environment Operations (Waste) Regulation 2005 for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed on land without permission of the land owner and must with the provisions of the Protection of the Environment and Operations Act 1997.

(Reason: To ensure compliance with legislation.)

31. HAZARDOUS GOODS AND WASTE (GC)

Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover requirements and AS1940-2004 - The Storage and Handling of Flammable and Combustible Liquids.

Hazardous waste must be contained, managed and disposed of in a responsible manner in accordance with the Protection of Environment and Operations Act 1997, NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.

Material Safety Data Sheets of all hazardous substances used, such as bleaches and nail products must be kept on site and readily available to all staff. Staff must be trained how to safely use and store these chemicals prior to the commencement of work.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: Health and safety.)

32. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by an Accredited Civil/Hydraulic Engineer and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.)

33. SYDNEY WATER - TAP IN™ (GC)

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

(Reason: Compliance with Sydney Water requirements.)

34. **UTILITIES AND SERVICES - PROTECTION OF (GC)**

Any footings or excavation to be located or undertaken adjacent to Council's stormwater must be designed to address the following requirements:

- i) All footings and excavation must be located wholly within the site and clear of any easement boundaries;
- ii) All footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; and
- iii) Footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

If permanent excavation is proposed beneath the obvert of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil, must be provided. The design must be prepared by a qualified practicing Structural/Civil Engineer.

Construction plans must be approved by the appropriate utility's office (e.g. council, Sydney Water Corporation) to demonstrate that the development complies with the utility's requirements.

The applicant must provide written evidence (e.g. compliance certificate, formal advice) of compliance with the requirements of all relevant utility providers (e.g. Water, Energy, Telecommunications, Gas).

(Reason: To ensure protection of Council assets.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (PCC)

35. **BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)**

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

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 that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by the consent commences.

Details demonstrating compliance with this condition are to be submitted to the Principle Certifying Authority, prior to issue of the Construction Certificate.

(Reason: This is a 'prescribed' condition under clause 98(1) of the Environmental Planning and Assessment Regulation 2000.)

36. **CAR PARKING - COMPLIANCE WITH AS/NZS 2890.1:2004 (CC)**

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure compliance with Australian Standards relating to parking of vehicles.)

37. **COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED)**

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued by either Strathfield Council or a Principal Certifying Authority.

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 4.19 of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

38. **CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)**

The applicant must prepare and submit a Construction and Environmental Management Plan (CEMP) to the Principal Certifying Authority, including:

- i) Detailed information on any approvals required from other authorities prior to or during construction.
- ii) Traffic management, including details of:
 - Ingress and egress of vehicles to the site;
 - Management of loading and unloading of materials;
 - The location of heavy vehicle parking off-site; and
 - designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
 - The collection and treatment of stormwater and wastewater generated on site prior to discharge; and
 - Procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
 - Details of the types and estimated volumes of waste materials that will be generated;
 - Procedures for maximising reuse and recycling of construction materials; and
 - Details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
 - Measures to minimise the area of soils exposed at any one time and conserve top soil;
 - Identification and protection of proposed stockpile locations;
 - Preservation of existing vegetation and revegetation;
 - Measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
 - Measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient

and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;

- Details of sediment and erosion control measures in place before work commences;
- Measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
- details of drainage to protect and drain the site during works.

viii) Asbestos management procedures:

- Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see www.workcover.nsw.gov.au
- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- 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 the following:
 - The Work Health and Safety Act 2011;
 - The Work Health and Safety Regulation 2011;
 - How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
 - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
- Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
- The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
 - The date and time when asbestos removal works will commence;
 - The name, address and business hours contact telephone number of The demolisher, contractor and/or developer;
 - The full name and license number of the asbestos removalist/s; and
 - The telephone number of WorkCover's Hotline 13 10 50
 - Warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
 - Appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

(Reason: Safety, amenity and protection of public infrastructure and the environment.)

39. **EROSION AND SEDIMENTATION CONTROL PLAN (CC)**

An Erosion and Sediment Control Plan is to be prepared where construction or excavation activity requires the disturbance of the soil surface and existing vegetation. Details including drawings and specifications must provide adequate measures for erosion and sediment control to ensure:

- i) Compliance with the approved Soil and Water Management Plan.
- ii) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/ development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls are to be submitted to the Principal Certifying Authority with the Construction Certificate Application. Under no circumstances are any works to commence, prior to these details being approved by the Principal Certifying Authority and the controls being in place on the site.

(Reason: Environmental protection.)

40. **NOISE – CONSTRUCTION (CC)**

All works carried out on site during construction/demolition/excavation/earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control on construction, demolition and maintenance sites” for the control of construction noise which specifies that:

- Construction period of 4 weeks and under – The L90 Level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.

- Construction period exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control, demolition and maintenance sites” for the control of construction noise. A further acoustic assessment and report will be required to be provided to Council assessing the premises in working order.

(Reason: To mitigate adverse noise impacts.)

41. **SECURITY PAYMENT- DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)**

A security (damage deposit of **\$18,000.00** (calculated in accordance with Council’s adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council property damage during the course of this development. All building works must be carried out in accordance with the Building Code of Australia.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council’s adopted Fees and Charges.

Any cost associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant’s interest for it to be as full and detailed as possible.

The damage Deposit shall be refunded upon completion of all works upon receipt of Final Occupation Certificate stage and inspection by Council.

(Reason: Protection of Councils infrastructure.)

42. **SECTION 7.12 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)**

In accordance with Schedule 1, a 1% levy applies with the monies being used for a variety of works as outlined in Schedule 2 of the Indirect Development Contributions Plan 2010.

Cost of Works	Rate	Contribution Payable
\$2,395,243.00	1%	\$23,952.43

The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

Contributions must be receipted by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

A copy of this condition is to be presented to Council's Customer Service Centre when paying the contribution so that it can be recalculated.

Note: A copy of Strathfield Council's *Indirect Development Contributions Plan* may be downloaded from Council's website.

(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.)

43. **STORMWATER - RAINWATER RE-USE (CC)**

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or specification of the management of stormwater, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance and amenity.)

44. **STORMWATER DRAINAGE (CC)**

The following stormwater precautions are required to be provided on the site:

- i) Grated drains shall be provided along the driveway/basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
- ii) Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
- iii) Allowance 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 properties
- iv) Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

(Reason: To ensure the site is drained appropriately and does not interfere with the natural flow of flood waters.)

45. **TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)**

A Construction Traffic Management Plan (CTMP) is to be prepared by an appropriately qualified Traffic Management Consultant and submitted to and approved by Council's Engineering Section, prior to the commencement of any works including demolition.

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

- i) Description of the demolition, excavation and construction works;

- ii) Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- iii) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- iv) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- v) Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- vi) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- vii) Proposed hours of construction related activities and vehicular movements to and from the site;
- viii) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- ix) Any activities proposed to be located or impact upon Council's road, footways or any public place;
- x) Measures to maintain public safety and convenience;
- xi) Any proposed road and/or footpath closures;
- xii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- xiii) Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- xiv) Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- xv) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- xvi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- xvii) On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- xviii) Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- xix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

(Reason: To mitigate traffic impacts on the surrounding area during the construction period.)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (PCW)

46. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)

No work shall commence in connection with this Development Consent until:

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an

- owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - Notified the Council of his or her appointment, and
 - 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.
 - iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - Appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - Notified the principal certifying authority of such appointment; and
 - 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.
 - v) The person having 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.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

47. **NOTICE OF COMMENCEMENT (CW)**

No work shall commence until the following details are submitted to Council:

- i) A Notice of Commencement (form will be attached with issue of a Construction Certificate or available from our website) within two (2) days of the date on which it is proposed to commence works associated with the Development Consent;
- ii) Details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- iii) Details of the name, address and licence details of the Builder.

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DW)

48. **CONTAMINATED LAND UNEXPECTED FINDS (DW)**

In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site.

The contaminated land situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Strathfield Council's Environmental Services Manager.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

(Reason: To ensure compliance with statutory requirements.)

49. FOOD PREMISES - CONSTRUCTION AND FIT-OUT OF (DW)

The construction and fit-out of the food premises must comply with the following:

- (i) The Food Act 2003;
- (ii) Food Regulation 2015;
- (iii) Australia and New Zealand Food Standards Code;
- (iv) Australian Standard AS 4674 – 2004 (Design, construction and fit-out of a food premises); and
- (v) The Building Code of Australia.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval, prior to any occupation of the premises.

(Reason: Compliance with food premises legislation and standards.)

50. OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS (DW)

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without the prior approval of Council.

(Reason: To maintain public access and safety.)

51. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: To maintain public infrastructure and/or services.)

52. SURVEY REPORT OF APPROVED LEVELS DURING AND POST CONSTRUCTION (DW)

A Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:

- i) At the completion of the first structural floor level prior to the pouring of concrete indicating the level of that floor and the relationship of the building to the boundaries.
- ii) At the completed height of the building, prior to the placement of concrete

- inform work, or the laying of roofing materials.
- iii) At the completion of the development.

Progress certificates in response to points (1) through to (3) shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed until such survey information is submitted to and approved by the Principal Certifying Authority.

(Reason: To ensure compliance with the approved plans.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (OC)

53. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)

All surplus vehicular crossings and/or kerb laybacks must be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council. The nature strip is to be restored and the footpath area reinstated. All of the above are to be restored to the satisfaction of Council's Engineer and at full cost to the applicant, prior to the issue of any Occupation Certificate.

(Reason: Maintenance of public infrastructure.)

54. ENGINEERING WORKS (CERTIFICATION OF)

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by an Accredited Civil/Hydraulic Engineer demonstrating that:

- i) The stormwater drainage system; and/or
- ii) The car parking arrangement and area; and/or
- iii) Any related footpath crossing works; and/or
- iv) The proposed basement pump and well system; and/or
- v) The proposed driveway and layback; and/or
- vi) Any other civil works

have been constructed in accordance with the approved plans and any relevant Standards and Council policies/specifications.

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that an Engineer supervise all engineering related works.

Where Council is not the Principal Certifying Authority, an electronic copy of the above documents is to be provided to Council, prior to the issue of any Occupation Certificate.

(Reason: Asset management.)

55. FIRE SAFETY CERTIFICATION (OC)

The Principal Certifying Authority must be satisfied that a fire safety certificate has

been issued for the building, prior to any occupation of the premises.

(Reason: Fire safety and statutory requirement.)

56. **OCCUPATION OF BUILDING (OC)**

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- i) All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- ii) Any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement.)

57. **STORMWATER - CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM (OC)**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

(Reason: Adequate stormwater management.)

58. **STORMWATER - COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS (OC)**

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, etc.).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and/or the 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

(Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.)

59. **VENTILATION SYSTEMS – MECHANICAL (OC)**

The mechanical ventilation system is to comply with the following:

- i) The Building Code of Australia;
- ii) Protection of the Environment Operations Act 1997; and
- iii) Australian Standard AS1668-1991.

In addition, odour control measures, such as activated carbon or catalytic oxidisers, must be used to treat ventilation gases prior to discharge. The method of odour control must be designed by a suitably qualified mechanical ventilation engineer.

At the completion of the installation of the mechanical exhaust ventilation system, a certificate from a practising mechanical engineer shall be submitted to the Principal Certifying Authority, prior to issue of the Occupation Certificate demonstrating compliance with the above.

(Reason: To ensure the mechanical exhaust ventilation system complies with the relevant requirements/standards.)

59A. **ALLOCATION OF PARKING SPACES (OC)**

Parking associated with the approved development is to be allocated as follows:

- **Employees/staff: six (6) spaces**
- **Visitors: six (6) spaces including one (1) accessible space**

ADDED BY: DA2019/168/3 30 October 2020

CONDITIONS TO BE SATISFIED DURING ONGOING USE OF THE PREMISES (OU)

60. **FOOD PREMISES - ONGOING USE OF (OU)**

The ongoing operation and fit out of the premises must be maintained in accordance with the following requirements:

- i) Food Act 2003;
- ii) Food Regulations 2004;
- iii) Australian Standard AS4674-2004: Construction and fit out of food premises;
- iv) Australia and New Zealand Food Standards Code 3.2.3: Food Premises and Equipment; and
- v) Australia and New Zealand Food Standards Code 3.2.2: Food Safety Practices and General Requirements.

(Reason: To ensure compliance with legislation and to protect public health and safety.)