

IDAP REPORT

Property:	179 Albert Road STRATHFIELD Lot: 11 DP: 869042 DA2021/8
Proposal:	Installation and operation of five (5) external floodlighting poles for sports playing field of an educational establishment (Australian Catholic University).
Applicant:	Australian Catholic University
Owner:	Roman Catholic Church Archdioc
Date of lodgement:	15 January 2021
Notification period:	22 January 2021 – 8 February 2021
Submissions received:	Nil
Assessment officer:	J Gillies
Estimated cost of works:	\$325,802.00
Zoning:	SP2-Infrastructure (Educational Establishment) - SLEP 2012
Heritage:	Yes, Heritage Item I92 ACU Strathfield Campus
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1 - ACU Campus area in red and subject playing field in yellow

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the installation and operation of five (5) external floodlighting poles for an existing sports playing field which forms part of an educational establishment (Australian Catholic University).

Site and Locality

The site is identified as 179 Albert Road STRATHFIELD and has a legal description of Lot: 11 DP: 869042. The site is an irregular shaped parcel of land and is located on the northern side of Barker Road. The site, being the entire ACU Strathfield campus, has an area of approximately 7.9 hectares.

The locality surrounding the subject site consists of low density residential dwellings and streetscapes, with the exception of St Patricks College which adjoins the site to the north.

Strathfield Local Environmental Plan

The site is zoned SP2-Infrastructure (Educational Establishment) under the provisions of Strathfield LEP 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 DCP 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 from 22 January 2021 to 8 February 2021, where no submissions were received.

Issues

- Light spill and hours of operation (both resolved).

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2021/8 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the installation and operation of five (5) external floodlighting poles for a sports playing field of an educational establishment (Australian Catholic University).

More specifically, the proposal includes;

Installation and operation of five external floodlighting poles. Three (3) of the poles are 20m in heights and located along the western boundary of the site. The other two (2) poles are 24m in height and are located on the eastern side of the playing field. Figure 1 below prepared by Urbis illustrates the location of the poles.

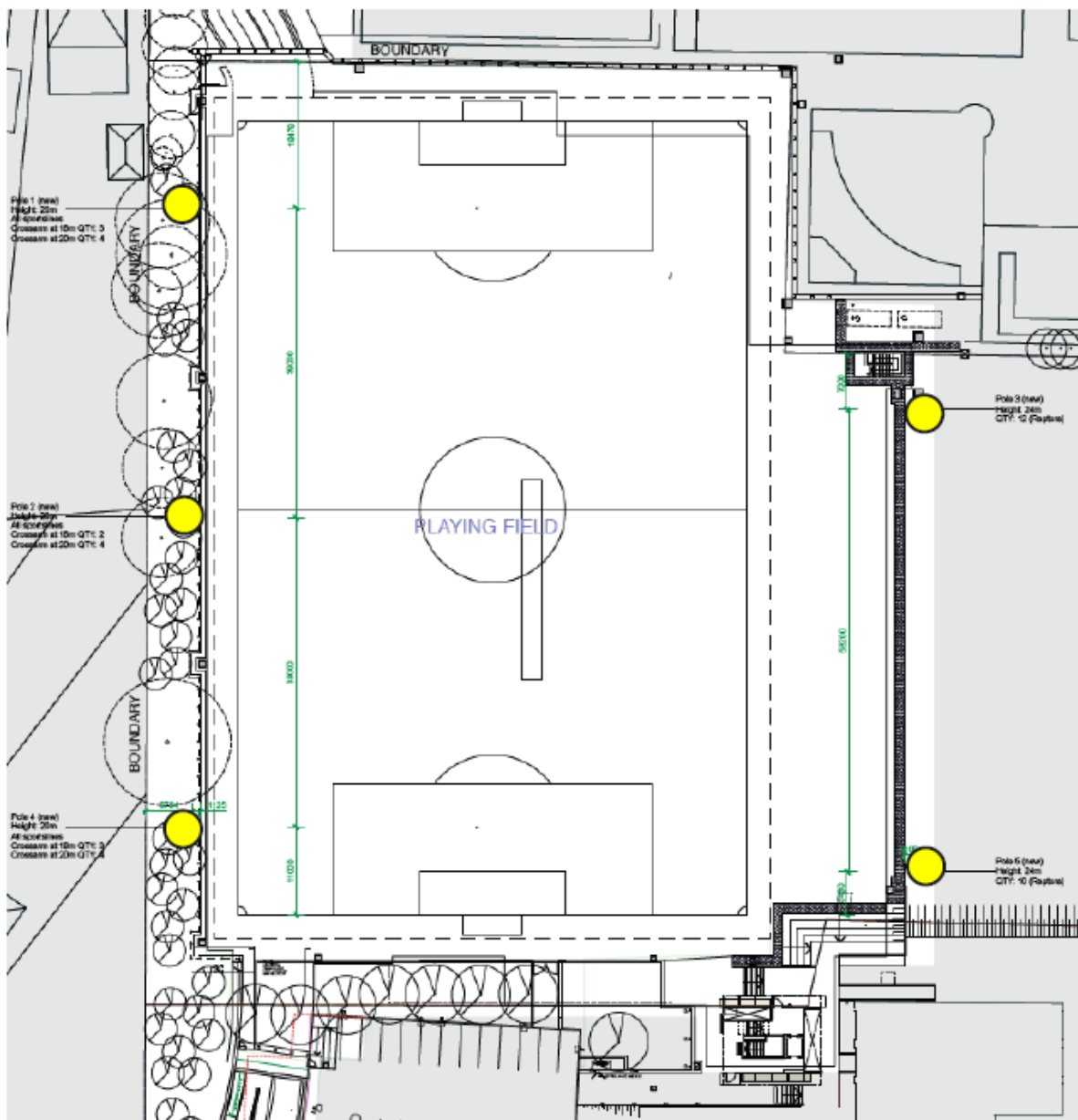


Figure 2 – Proposed lighting pole locations

The proposed operation of the lights is as follows:

- Monday to Friday: 7:30am – 10pm
- Saturday to Sunday: 8am – 5pm

The lights will be controlled by ACU via an illuminator automation control system that operates through SMS and a pin system as detailed in the Illuminator User Instructions submitted with the Application. Texts will be issued and received by the facility manager.

The Site and Locality

The subject site is legally described as Lot: 11 DP: 869042 and commonly known as 179 Albert Road STRATHFIELD. It is located on the northern side of Barker Road.

Direct access to the campus is achieved via Albert Road (reflecting site address), as well as Barker Road. Access to the campus can also be achieved via Edgar Street which runs along the north-western edge of the campus.

The western boundary of the site and sports field subject of this modification is formed by residential dwellings which back onto the sports field which this modification proposes lighting for. These residential dwellings front Marion Street and Edgar Street.

To the south and east of the ACU Campus are residential dwellings fronting Barker Road, Albert Road and Merley Road. The Marie Bashir Public School also adjoins the ACU Campus to the east.

The ACU Campus is generally flat, with a rise towards Barker Road. The sports field subject of the proposed lighting is a level astro-turf field. Images 2 – 6 show the subject sport field and adjoining land uses.

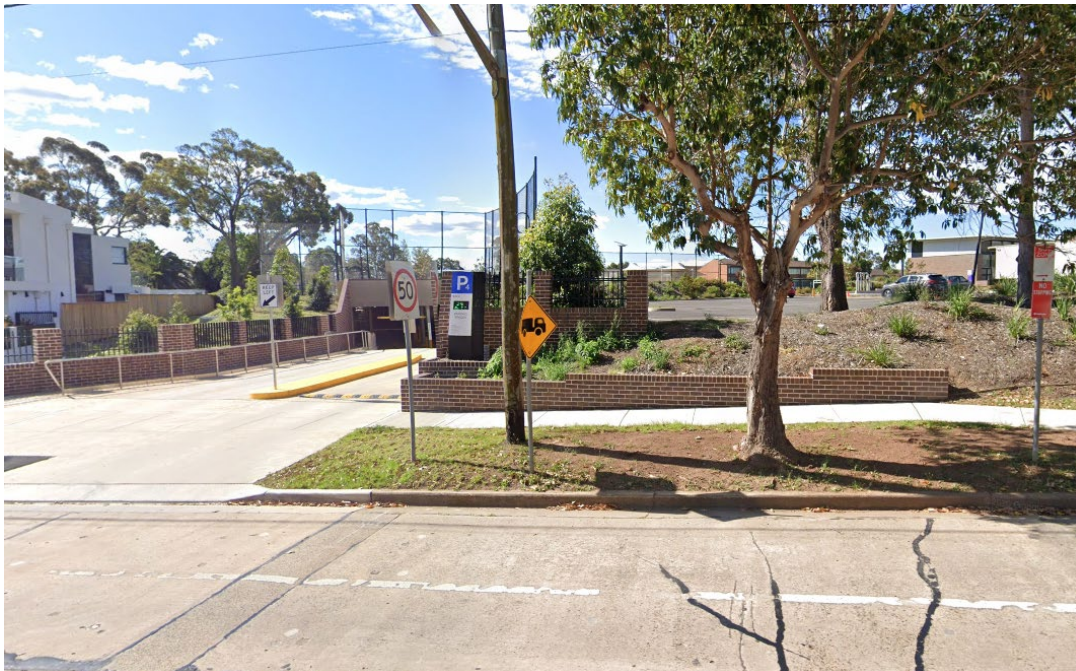


Image 1 – Looking north towards the subject playing field – which is located above an approved basement carpark



Image 2 – The playing field subject of the proposed lighting poles. Looking North-west from the southern end of the pitch.



Image 3 – The south-western corner of the playing field looking west at adjoining residential dwellings that front Albert Road.



Image 4 – The north-western corner of the playing field and adjoining residential dwellings that front Edgar Street Temporary lighting appears to be in use



Image 5 – ACU Campus looking south-east from the north western corner of the playing field

Background

- 18 November 2014** The NSW Land and Environment Court approved Concept Plan Application MP10_0231 which included 5 stages of development subject to detailed design (Stage 1A, 1B, 2, 3 and 4).
- 18 October 2017** The Sydney Central Planning Panel approved DA2017/088 for the detailed design of Stage 1A incorporating construction of an underground car park comprising 304 spaces and a new outdoor sports playing field above. The proposed lighting under this DA (2021/08) relates to the approved sports playing. Condition 28 of this consent requires separate approval for lighting to be obtained from Council.
- 15 January 2021** The subject Application was lodged with Strathfield Council.
- 22 January 2021** The subject Application was neighbour notified and placed on public exhibition for a minimum of 14 days in accordance with the Strathfield Council Community Participation Plan (CPP). Exhibition finished on 8 February 2021 and no submissions were received by Council during this period.
- 2 March 2021** The Applicant's Planner, Urbis, emailed Council requesting consideration of an extended hours of operation for the proposed lighting being 8am to 10pm on weekends.
- 3 March 2021** Council responded outlining re-notification would be required and that additional DA information may be required to support an extension to the hours of operation for the field beyond what has been approved. The Applicant outlined they would not be pursuing this option at this stage.

Referrals – Internal

ENVIRONEMNTAL HEALTH

The Application was referred to Council's Environmental Health and Compliance Team who provided the following comments:

Environmental Health was requested to provide comment on the abovementioned DA, which relates to the installation of lighting to a sports field on a private education facility. This review covers the light spillage from the lighting and its potentially obtrusive impacts to surrounding neighbours.

The development proposes to install five lights. Three are 20m tall on the western side and two are 25m tall and on the eastern side. The light poles on the western side adjoin residential areas and at times are within 20 metres. The application states the lights are to be used between the hours of 7.30am and 10.00pm, Monday to Friday and 8am – 5pm on Saturdays and Sundays. This is consistent with similar facilities operated by Strathfield Council, where lighting is only used when the field is in use and lighting is used no later than 10pm weekdays.

AS/NZS 4282.2019 Control of the obtrusive effects of outdoor lighting (the Standard) provides guidance on illumination levels that are considered adequate to prevent nuisance to neighbours. The standard differentiates between lighting operating under time restrictions and those operating without or beyond time restrictions.

The application is accompanied by an engineering plan and specification that shows the lights, the sport field, shielding of illumination and illumination levels at effected area. The engineering plan also contains a statement that the illumination level of 200 lumens complies with AS/NZS4282-2019. Some of the reporting requirements of Appendix B of the Standard are not listed, such as the computer program and version used, and a declaration of conformance to the standard.

To ensure the lighting does comply with the Standard, an appropriately skilled and experienced person needs to undertake a study of the lighting system as constructed.

It is recommended that the application be approved subject to standard and special conditions of consent.

HERITAGE

The Application was referred to Council's Heritage Planner who provided the following comments:

The site is identified as a heritage item (I92) under Schedule 5 of the LEP, being Australian Catholic University, Strathfield Campus (includes former "Mount Royal")—various buildings and landscape. To the north of the site is the local heritage item St Patrick's College – Brother Hickey Building (I132).

I have reviewed the Statement of Environmental Effects prepared by Urbis, December 2020. I agree with the findings of the SEE in relation to Clause 5.10 Heritage Conservation (p6) that the proposal has acceptable visual impacts and does not impact the heritage fabric of the heritage buildings on the site and within the vicinity.

There is no objection to this proposal on heritage grounds.

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned SP2-Infrastructure. The proposed lighting is ancillary to the educational establishment and approved playing field and is therefore permissible with Council's consent.

Part 4 – Principal Development Standards

The principal development standards under SLEP 2012 are not applicable to the proposed development.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is listed as a heritage item. As outlined by Council's Heritage Planner, the proposal will not impact on the heritage significance of the item.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2, 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

Earthworks

The proposal does not include any significant excavation or basement works. Any excavation for footings or levelling of the site required for the proposed poles is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

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

SEPP 55 requires Council to consider whether the site is suitable in its current state, contaminated state or following the completion of remediation works for the purpose for which development consent is being sought.

A Phase 1 Environmental Site Assessment (ESA) was carried out under the previous Part 3A approval. This assessment identified the presence of two (2) underground storage tanks (UST) located in the south west corner of the subject site and a stockpile of unknown origin within the north eastern corner of the southwest carpark. A Phase 2 Environmental Site Assessment followed this which accompanied DA2013/088. A Remedial Action Plan (RAP) to decommission the underground storage tank and remove PAH within fill was later prepared and submitted to Council (as per Deferred Commencement conditions).

The above was considered in the assessment of the basement carpark and subject playing field (DA 2017/088) significant construction and earthworks included as part of these approved works and accordingly, further contamination is not considered necessary.

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 lighting poles located along the western edge of the site will be situated among mature trees that provide on-site amenity and vegetated visual buffer between the campus and residential dwellings. The Application does not identify whether tree removal or pruning is proposed. Accordingly, a condition of consent is recommended for inclusion in the Notice of Determination specifying that tree removal or pruning is not permitted as part of this consent until the following is provided and signed off by Council's Tree Coordinator:

- A report prepared by a qualified Arborist is required to identify any trees that need to be removed or pruned due to installation of the proposed light poles.
- The Arborist report must take into consideration the Landscape Plan prepared by

The aims and objectives outlined within the SEPP are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

Clause (1) of Part 5 of the Educational Establishments and Childcare Facilities SEPP 2017 states that development for the purpose of a university may be carried out by any person with development consent on land in a prescribed zone. The proposed lighting poles are not listed as exempt development and the Applicant is not a public authority. Accordingly, the proposal requires Council approval.

- (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 is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

PART M – EDUCATIONAL ESTABLISHMENTS

The proposal seeks approval for lighting poles that are ancillary to an existing playing field approved under DA2017/088. The assessment of the approved playing field has addressed

compliance with the Part M of the DCP and the majority of controls are not applicable to ancillary lighting for a playing field. Notwithstanding, controls that bear some relevance are addressed below:

Control	Compliance
4.1 Design Principles	
The bulk, scale, height, character, setbacks and external detailing of the development are compatible with the character of development within the vicinity, including any adjoining items of environmental heritage or heritage conservation areas.	The proposed lighting poles are narrow (approximately 0.5m at the base and 0.25m at the top) and will not add significant bulk to the existing playing field and surrounding structures located on the ACU campus.
The educational establishment design is sensitive to its environment, of high visual quality and is generally consistent and sympathetic with the existing streetscape character of the locality.	The proposed lighting poles are consistent with the character of the approved playing field and University Campus and will not add additional bulk and scale to the area.
The development is unlikely to unreasonably affect the amenity of any existing development in terms of overshadowing, privacy, excess noise, loss of views or otherwise.	The proposed lighting has been assessed by Council's Environmental Health team who reviewed light spill details provided with the Application. These details state the proposal will comply with the relevant Australian Standards for illumination. To ensure compliance with all aspects of the AS, Council will impose a condition of consent requiring a more detailed report prior to issue of an occupation certificate.
The landscape character of the locality is maintained and adequate landscape, noise and privacy screening has been provided.	The proposed lighting poles on the western side are situated within an existing landscape strip separating the playing field and adjoining residential areas. To ensure significant trees in this area are retained and the landscape buffer is maintained, a condition of consent has been included requiring preparation of an arborist report identifying any tree removal or pruning and submission of this report to Council for approval prior to issue of a construction certificate by the PCA. The Arborist Report must also consider and identify any departure from the landscape plans prepared by Taylor Brammer (dated 15 June 2017) approved under DA2017/088.
4.17 Outdoor Areas	
To provide external spaces which provide the opportunity to promote a variety of learning, socialising, play and other developmental experiences of suitable area.	The proposed lighting poles will allow for night time use of an existing playing field which has approval to operate at night and will therefore increase opportunities for socialising and other development experiences.

<p>To ensure that external classrooms, play areas and active recreation areas are designed and sited so as to have minimal impact on the amenity of adjoining properties and properties in the vicinity.</p>	<p>The proposed lighting poles are ancillary to an approved playing field. Supporting material submitted with the Application has outlined the proposal will comply with illumination and light spill requirements, addressing impacts to neighbouring properties. Conditions of consent will ensure total compliance with the relevant Australian standards prior to issue of an occupation certificate.</p> <p>DA2017/088 has approved hours of operation for the sports field in accordance with the hours of operation approved as part of the concept application MP10_0231. Considering the proximity of the sports field to residential dwellings and increased activity associated with permanent light installation, a 9:30pm time limit is proposed for a one year trial period (refer to 4.22 below) as a condition of consent.</p>
<p>4.18 Landscaping and Vegetation</p>	
<p>Existing natural features and significant vegetation of a site shall be conserved where possible to maintain the amenity of the area (a tree preservation order applies throughout Strathfield Municipality). Where appropriate, existing trees are to be retained and incorporated as shade elements in outdoor play areas, screen planting and for streetscape amenity</p>	<p>Refer above.</p>
<p>4.22 Hours of Operation</p>	
<p>Standard hours of operation for educational establishments in residential areas should be limited to 7am to 9.30pm, Monday to Sunday.</p>	<p>As outlined above, the following hours of operation have been established for the Educational Establishment as part of MP10_0231</p> <ul style="list-style-type: none"> Monday to Friday: 7:30am – 10pm Saturday to Sunday: 8am – 5pm <p>The Applicant has proposed operation of the lighting within these existing hours of operation.</p> <p>However, the NOD for DA 2017/088 makes specific reference to separate approval for lighting. Considering the increased usage associated with permanent light installation, it is recommended that the 9:30 evening limit during weekdays is required for the lighting, with a 10pm trial period. The Applicant may lodge a modification to</p>

	extend the lighting hours of operation to 10pm permanently following completion of the trial period.
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PART P – Heritage (SCDCP 2005)

Council's Heritage Planner has reviewed the Application with the regard to the site being identified as heritage item I92 under Schedule 5 of the LEP, being Australian Catholic University, Strathfield Campus (includes former "Mount Royal")—various buildings and landscape. To the north of the site is the local heritage item St Patrick's College – Brother Hickey Building (I132).

The Application was considered to have an acceptable visual impact and does not impact the heritage fabric of the heritage buildings on the site and within the vicinity.

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

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does not involve the demolition of a building.

(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 is for lighting poles that are ancillary to an existing playing field approved under DA2017/088. The layout, access, use and other environmental impacts have generally been addressed as part of this consent.

Notwithstanding, the proposal introduces a new and potentially intrusive element into the approved development and has been assessed accordingly.

Hours of Operation

Condition A7 of the Concept development consent MP10_0231 applying to the site establishes the hours of operation for the ACU campus as 7am-10pm Monday to Friday and 8am to 5pm Saturday and Sunday.

Condition 9 of the Notice of Determination for DA/2017/088 outlines that the consent does not approve hours of operation beyond those approved as part of MP10_0231. Further, it outlines under Condition 28 that separate approval for lighting is to be obtained from Council.

The Application proposes hours of operation consistent with those approved under MP10_0231 and DA/2017/088.

As outlined by Council's Environmental Health Team, lighting until 10pm is typical of playing fields, including facilities under Council ownership, providing some guidance on acceptable hours of operation for such a facility. However, the proposed lighting fixtures will be located

within a private facility, where Council is limited in its ability to respond to night time noise and activity issues.

Accordingly, a condition of consent is recommended requiring a 9:30pm night limit during weekdays (Monday – Friday). However, extended hours of operation will be permitted from Monday to Friday, allowing use to 10pm for a trial period of one year. Should the applicant intend to continue operating within these extended hours of operation, the consent is to be modified by an application under Section 4.55 of the Environmental Planning and Assessment Act 1979. The assessment of this application will be based on the operation of the use over the nominated trial period.

The condition of consent will require any future modification or development application for modification to the weekday 9:30pm time limit to include a log book or similar demonstrating the frequency of use during the period from 9:30pm to 10pm. The Applicant will need to demonstrate regular usage of this time period and this will be cross referenced against any issues during these times.

Light Spill

The proposed lighting has been assessed by Council's Environmental Health Team who reviewed light spill details provided with the Application. These details state the proposal will comply with the relevant Australian Standards for illumination.

Council's Environmental Health Team have recommended a condition of consent to ensure compliance with all aspects of the AS. The condition of consent requires an appropriately skilled and experienced person undertake a study of the lighting system as constructed. Council will impose a condition of consent requiring a more detailed report prior to issue of an occupation certificate for the lighting.

Vegetation

The proposed lighting poles on the western side of the playing field are situated within an existing landscape strip separating the playing field and adjoining residential areas. To ensure significant trees in this area are retained and the landscape buffer is maintained, a condition of consent has been included requiring preparation of an arborist report identifying any tree removal or pruning and submission of this report to Council for approval prior to issue of a construction certificate by the PCA.

The Arborist Report must also consider and identify any departure from the landscape plans prepared by Taylor Brammer (dated 15 June 2017) approved under DA2017/088.

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

It is considered that the proposed development is of a scale, design and purpose that is suitable for the site having regard to the approved use and associated hours of operation.

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

In accordance with the provisions of Council's Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received during this period.

(e) *the public interest.*

The proposed development is of a scale and purpose that allows for outdoor recreation during evening periods within an educational establishment, which is considered to be in the public interest.

Local Infrastructure Contributions

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as follows:

Local Amenity Improvement Levy	\$3,258.02
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Conclusion

The application 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 SCDP 2005.

Following detailed assessment it is considered that Development Application No. 8/2021 should be approved subject to conditions of consent.

Signed:

J Gillies
Senior Planner

Date: 3 May 2021

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this development application and I also certify that Section 7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

Signed:

Miguel Rivera

Date: 3 May 2021

The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.

- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

DEVELOPMENT DETAILS

1. Approved Plans & Documentation

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Architectural Plans – Site Plan Existing	A10	30 November 2020	2	Brewster Hjorth architects
Architectural Plans – Lighting Pole Location Plan	A01	30 November 2020	2	Brewster Hjorth architects
Architectural Plans – Site Plan Existing	A02	30 November 2020	2	Brewster Hjorth architects
Engineering Plan - 200 lux with SPORTSLINE and RAPTOR (LED) mounted on new 20m and 24m poles	0243497VV20 R2-A - ACU Soccer Field.AGI	4 November 2020	R2	Sylvania Schreder

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

2. Fees to be Paid

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.strathfield.nsw.gov.au).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	\$1,140.30
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$325,802.00

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

Development Contributions

A Section 7.12 contribution has been levied on the subject development pursuant to the Strathfield Section 94A Indirect Development Contributions Plan.

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website www.strathfield.nsw.gov.au.

3. Erosion & Sedimentation Control

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) 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)
- (c) All clean water run-off is diverted around cleared or exposed areas

- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

4. Engineer's Certificate

A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

5. Tree Removal/Pruning Prohibited

This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property, Council's public footway, public reserves or on neighbouring properties.

6. Arborist Report

An Arboriculture Assessment must be prepared by a suitably qualified professional outlining any pruning or tree removal required for installation of the light poles. The Arboriculture Assessment must address any departure from the landscape plans prepared by Taylor Brammer (dated 15 June 2017) approved under DA2017/088.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)

7. Dial Before You Dig

The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council's Engineers for their records.

8. **Existing Drainage Easement, Drainage Reserve or Stormwater Drainage System Benefiting Council**

Council drainage easement(s) drainage reserve(s) or stormwater system either pass through or are adjacent to the site. No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.

The applicant must determine the exact location, size and level details of the potentially affected stormwater drainage systems and without causing any damage to the public system ensure its protection. The owner, principal contractor or owner builder must not obstruct or otherwise remove, disconnect or render inoperable the Stormwater Drainage System.

Works such as fences must not obstruct the natural stormwater flowpath or alter the flowpath in such a way as to direct or concentrate stormwater on to neighbouring properties.

Where the relocation or reconstruction of Council's drainage system is approved then all work carried out on Council's assets will revert to the ownership, care, control or management of Council. Therefore, upon handover to Council, the asset must comply with Council's Construction of drainage and associated works specification.

The applicant must meet all costs associated with such works.

Note: This condition does not set aside the need to obtain relevant approvals under the [Roads Act 1993](#) or [Local Government Act 1993](#) for works within Roads and other public places.

DURING CONSTRUCTION

9. **Hours of Construction for Demolition and Building Work**

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

Note: A penalty infringement notice may be issued for any offence.

10. **Ground Levels and Retaining Walls**

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

11. Excavation Works Near Tree to be Retained

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

12. Obtrusive Effects of Outdoor Lighting – Environmental Health Condition

Prior to issue of an Occupation Certificate, a report must be submitted to the certifying authority certifying the lighting as constructed complies with AS/NZS 4282.2019 Control of the obtrusive effects of outdoor lighting. The report must:

1. Be prepared by a person with suitable qualifications and experience in design and assessment of outdoor lighting systems.
2. Be prepared in accordance with AS/NZS 4282.2019 Control of the obtrusive effects of outdoor lighting, specifically, Appendix B.
3. Demonstrate conformity of the lighting installation with the light technical parameters of Tables 3.2 to 3.5 of AS/NZS 4282.2019 Control of the obtrusive effects of outdoor lighting

OPERATIONAL CONDITIONS (ON-GOING)

13. Hours of Operation

The approved hours of operation shall be restricted to the following:

- Monday to Friday: 7:30am – 9:30pm
- Saturday to Sunday: 8am – 5pm

Extended hours of operation

The extended hours of operation are:

- (i) Monday to Friday: 7:30am – 10pm

The use may operate over the extended hours of operation for a trial period of 12 months from the date of the Occupation Certificate (where one is issued) or the date at which the use commences operation where no Occupation Certificate is required to be issued.

Should the applicant intend to continue operating over the extended hours of operation, the consent is to be modified by an application under Section 4.55 of the

[Environmental Planning and Assessment Act 1979](#). The assessment of this application will be based on the operation of the use over the nominated trial period.

The Application must demonstrate usage of the field and lighting between 9:30pm and 10pm through a logbook or similar.

Where a Section 4.55 application is not received before the trial period ends, the hours of operation will revert back to the standard hours of operation nominated within this condition.

14. Outdoor Lighting

To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with *AS 4282-1997: Control of the obtrusive effects of outdoor lighting*.

15. LIGHTING TIMER – Environmental Health Condition

The lighting system is to be fitted with a timer that prevents operation after 9:30pm (10pm during trial period), Monday to Friday and after 5pm Saturday and Sunday.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

16. Requirement for a Construction Certificate

The erection of the structures must not commence until a Construction Certificate has been issued.

17. Appointment of a PCA

The erection of a building must not commence until the applicant has:

- (a) appointed a PCA for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the PCA of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

18. Notice of Commencement

The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of the structures.

19. Occupation Certificate

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

ADVISORY NOTES

i. Review of Determination

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

ii. Appeal Rights

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

iii. Lapsing of Consent

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

iv. Access to NSW Legislations (Acts, Regulations and Planning Instruments)

NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au

v. Long Service Levy

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and

\$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

vi. Noise

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the [Protection of the Environment Operations Act 1997](#).

Useful links relating to Noise:

- (a) Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
- (b) Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).
- (c) New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* (www.legislation.nsw.gov.au).
- (d) Australian Acoustical Society—professional society of noise-related professionals ([www.acoustics.asn.au /index.php](http://www.acoustics.asn.au/index.php)).
- (e) Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).
- (f) Department of Gaming and Racing - (www.dgr.nsw.gov.au).