

**IDAP REPORT**

<b>Property:</b>	114 Burlington Road, Homebush Lot 1 DP 900772 DA2016.15.3
<b>Proposal:</b>	Section 4.56 Application for internal and external alterations to a place of public worship premises.
<b>Applicant:</b>	Architecture Design Studio
<b>Owner:</b>	Strathfield Muslim Welfare Association
<b>Date of lodgement:</b>	22 September 2021
<b>Notification period:</b>	23 September 2021 to 22 October 2021
<b>Submissions received:</b>	Two
<b>Assessment officer:</b>	P Santos
<b>Estimated cost of works:</b>	\$90,898.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Flood affected:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>



*Figure 1. Aerial imagery of the subject site (outlined) and the immediate locality.*

## **EXECUTIVE SUMMARY**

### **Proposal**

Approval is being sought for the modification of development consent DA2016/15 for the Section 4.56 Application for internal and external alterations to a place of public worship premises.

### **Site and Locality**

The subject site is legally described as Lot 1 DP 900772 and commonly known as 114 Burlington Road, Homebush. It is located at the southern corner of Burlington Road and Bridge Road.

The site is a regular-shaped corner block that has a primary front width of 12.19m and secondary front width of 45.72m, with a total area of 557m<sup>2</sup>.

### **Strathfield Local Environmental Plan**

The site is zoned R2-Low Density Residential under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal as amended satisfies all relevant objectives contained within the LEP.

### **Development Control Plan**

The proposed development as amended 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 23 September 2021 to 22 October 2021, where two valid submissions were received, raising the following concerns:

- Use as a place of public worship,
- Operating hours and its impact to acoustic/noise, and
- Safety of worshippers during covid.

### **Issues**

- Some works were already carried out.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2016/15/3 is recommended for approval subject to suitable conditions of consent as modified.

## REPORT IN FULL

### Proposal

Council has received a S4.56 modification application that involves the internal and external alterations to an approved place of public worship. More specifically, the proposal includes the following:

#### Ground Floor

- Deletion of internal walls of the library, ensuite and sitting area and have a bigger prayer area;
- Relocation of the kitchen to the north-east to replace Office 1 and partial removal of the internal wall; and
- Re-organisation of the section south of the stairs to accommodate the re-orientation of the PWD bathroom and the enlarged toilet that can now accommodate three WCs and a bigger storage that goes underneath the stairs.

#### First Floor

- Internal alteration that involves the:
  - Relocation of the bathroom to the consulting room, being able to accommodate three WCs;
  - Minor enlargement of the sheikh room;
  - Enlargement of the room used to be for the bathroom;
  - Reduction in the waiting room width;
  - Additional storage/linen;
  - Widening of the stairs; and
  - Enlargement of Office 2.
- Addition that involves minor enlargement of the front balcony and the bay meeting room due to the bay window.

Some of the works involved in this modification application will be retaining existing features of the existing dwelling house. However, a search of Council's records also indicates that some of the works proposed were already carried out. As such, this application assesses the uses proposed and any structural and construction component will require a BIC to be sought by the applicant from Council, as required by a condition of consent.

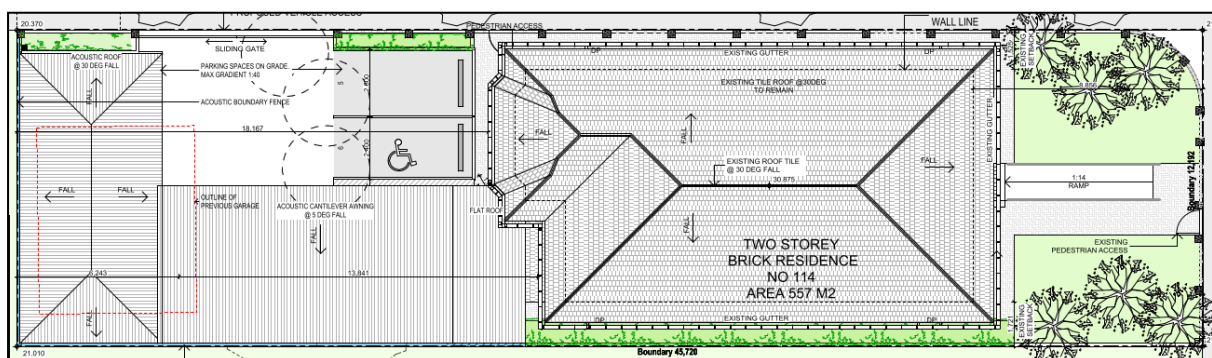


Figure 1. Extract of the approved site plan by the LEC.



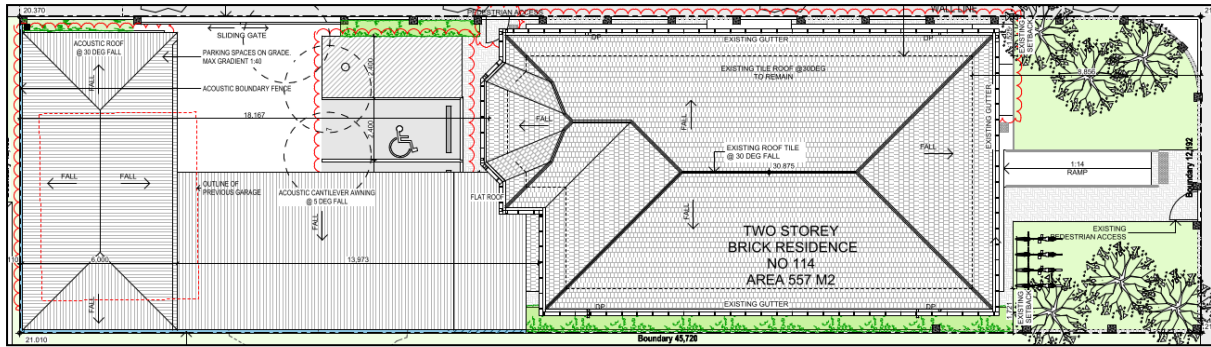


Figure 2. Extract of the proposed site plan in this current modification application.

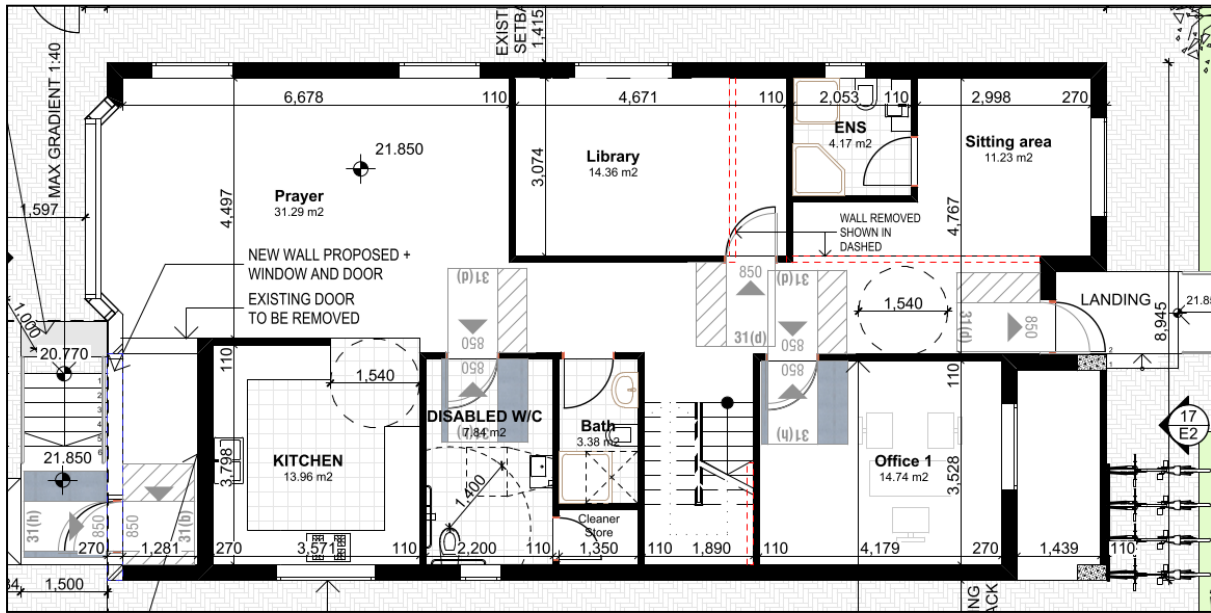


Figure 3. Extract of the ground floor plan approved by the LEC.

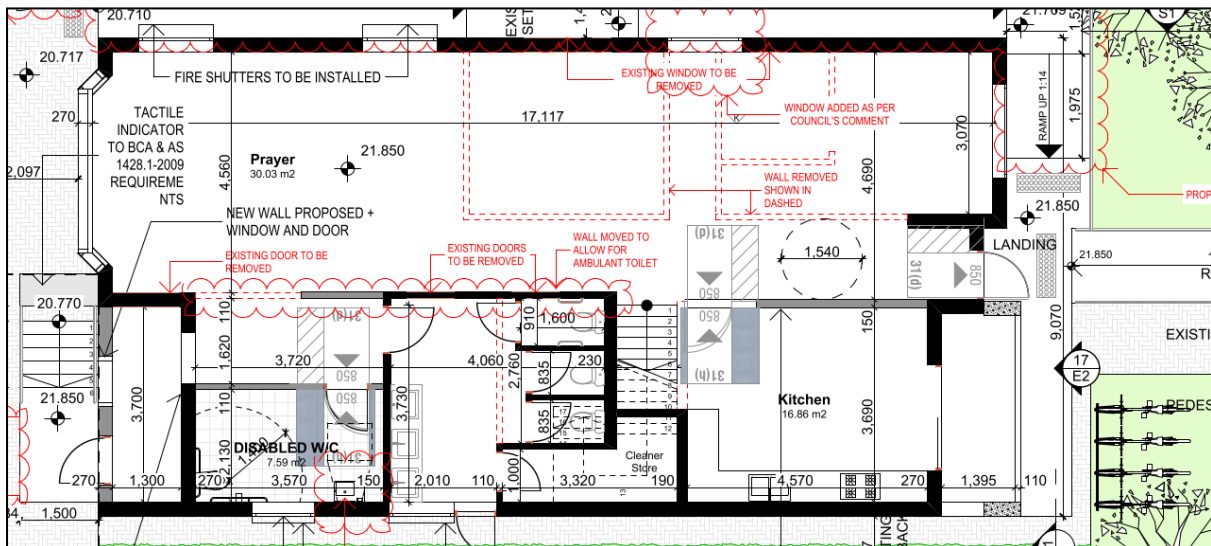


Figure 4. Extract of the proposed ground floor plan in the current modification application.

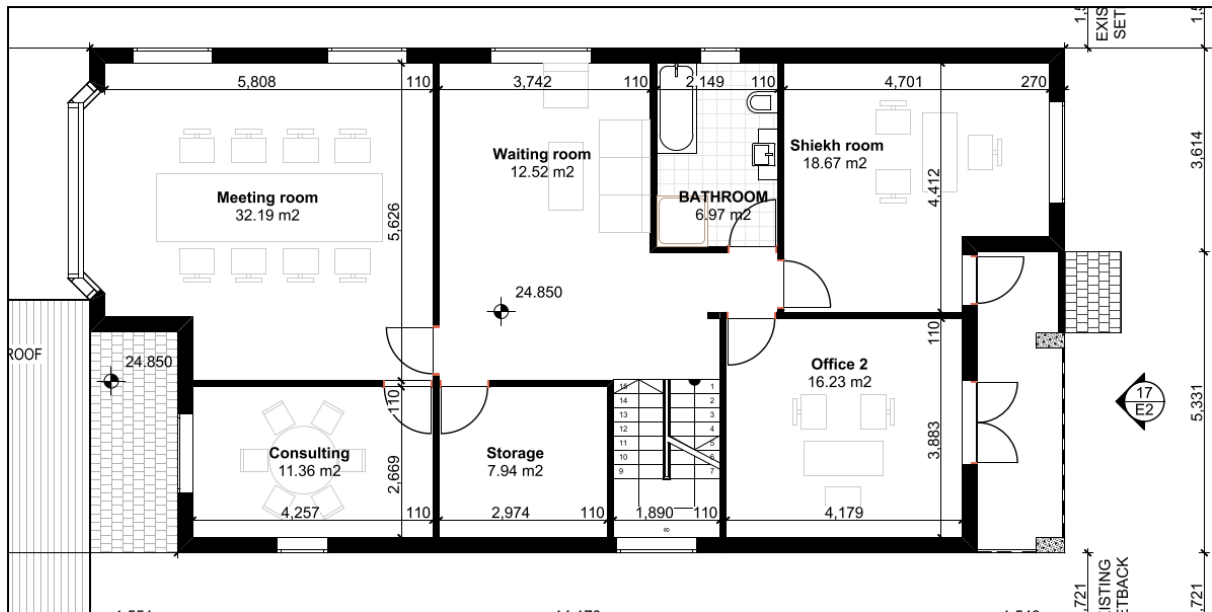


Figure 5. Extract of the first floor plan approved by the LEC.

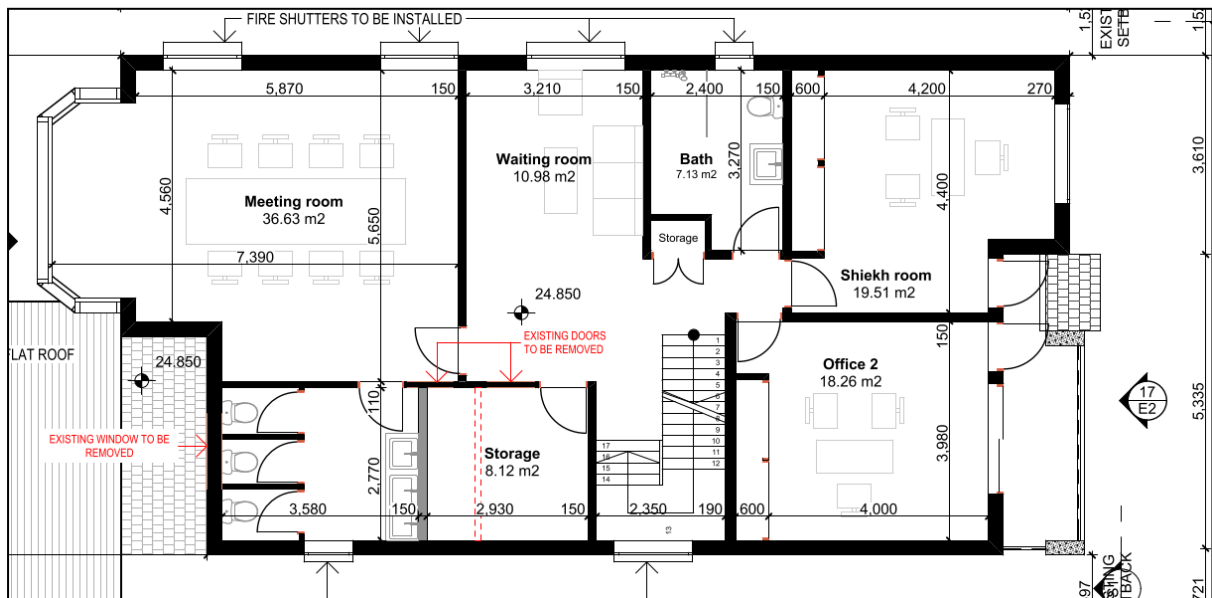


Figure 6. Extract of the proposed first floor plan in the current modification application.

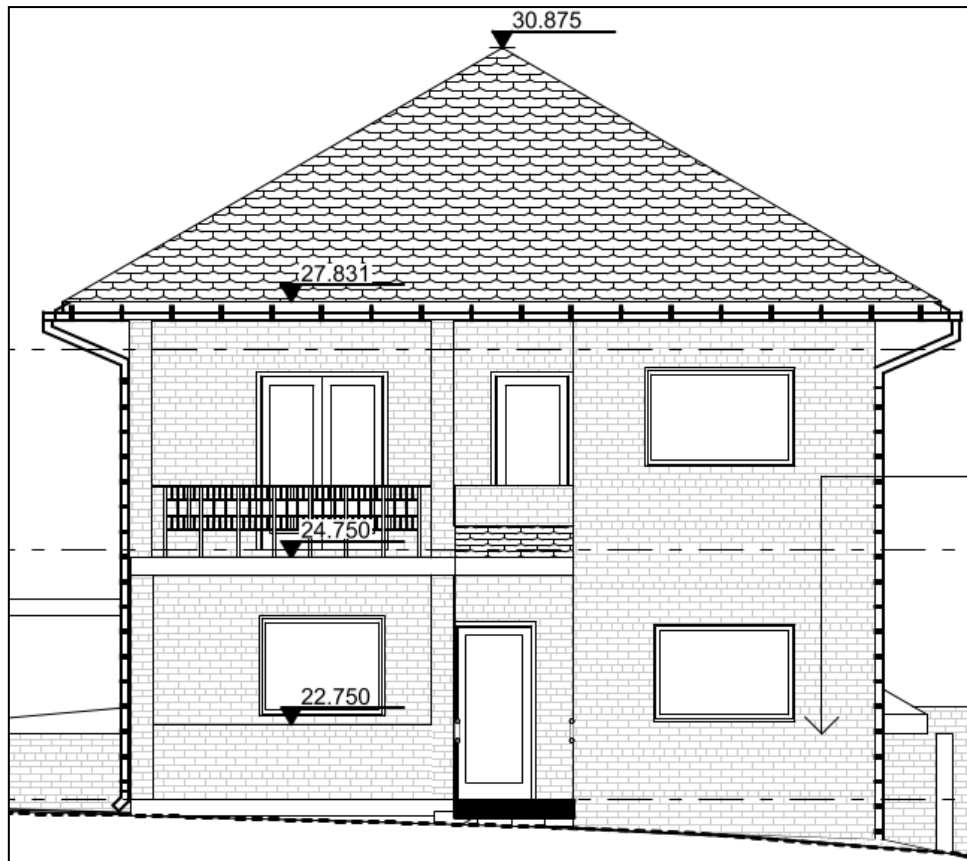


Figure 7. Extract of the approved northern elevation by the LEC.

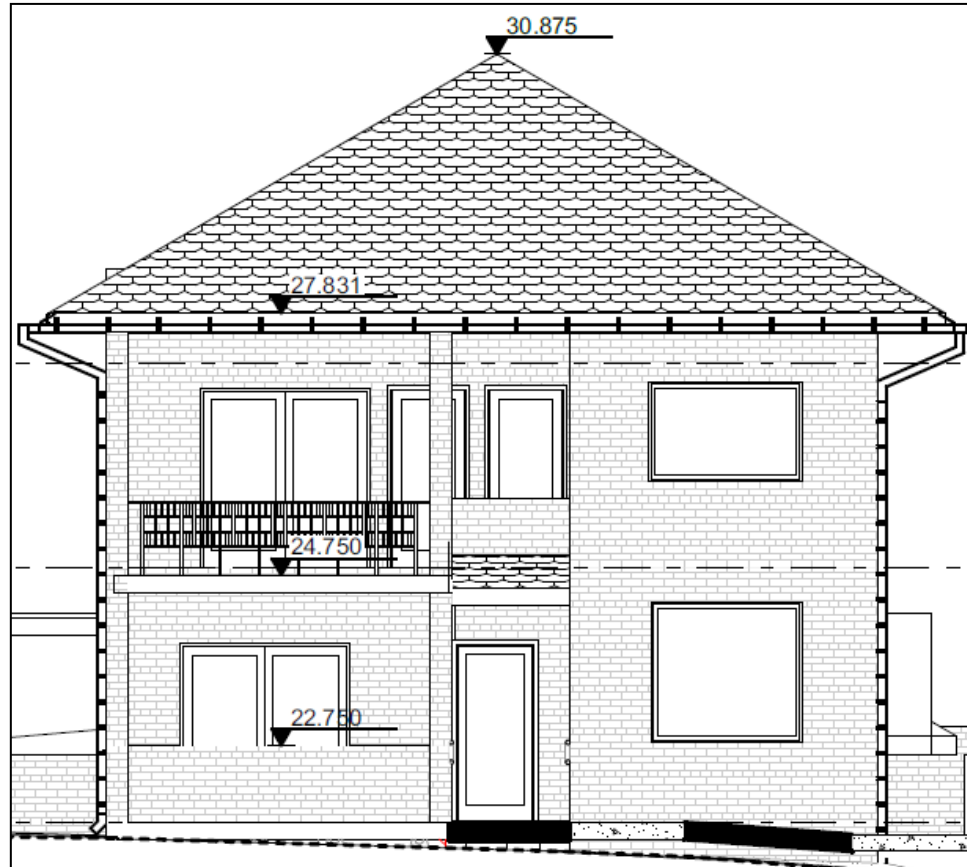


Figure 8. Extract of the proposed northern elevation in the current modification application.

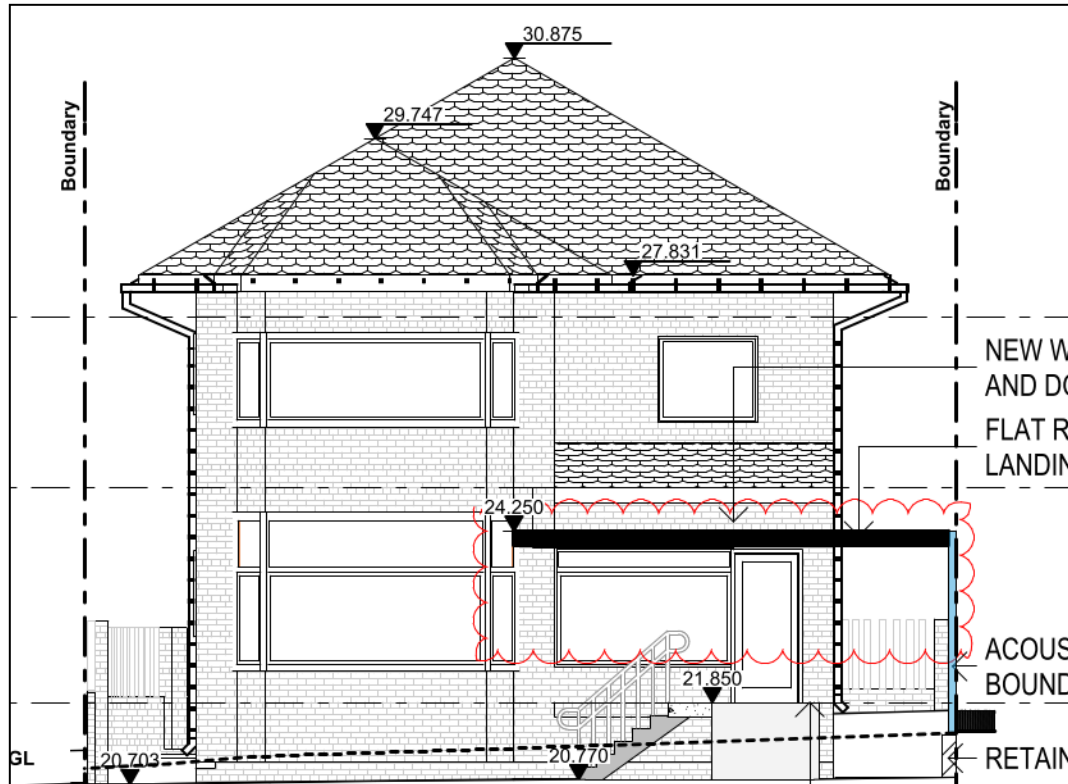


Figure 9. Extract of the approved southern elevation (rear) by the LEC.

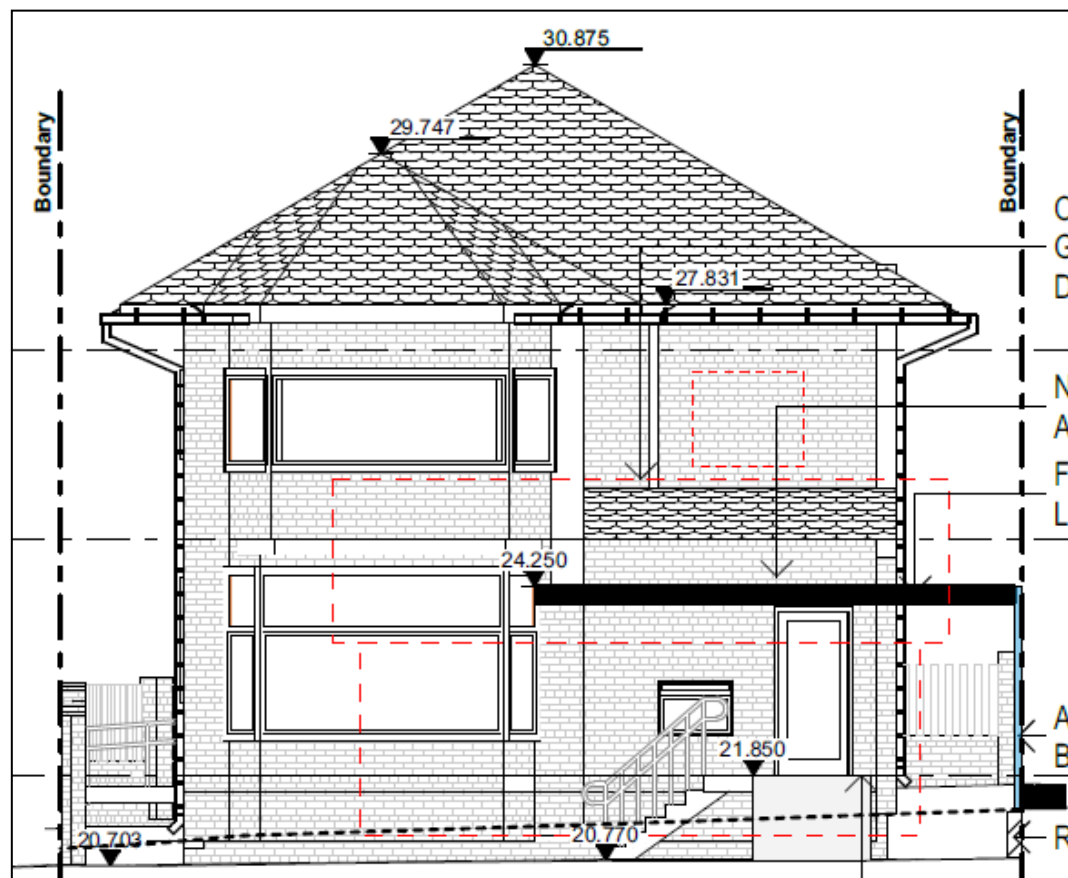


Figure 10. Extract of the proposed southern elevation (rear) in the current modification application.

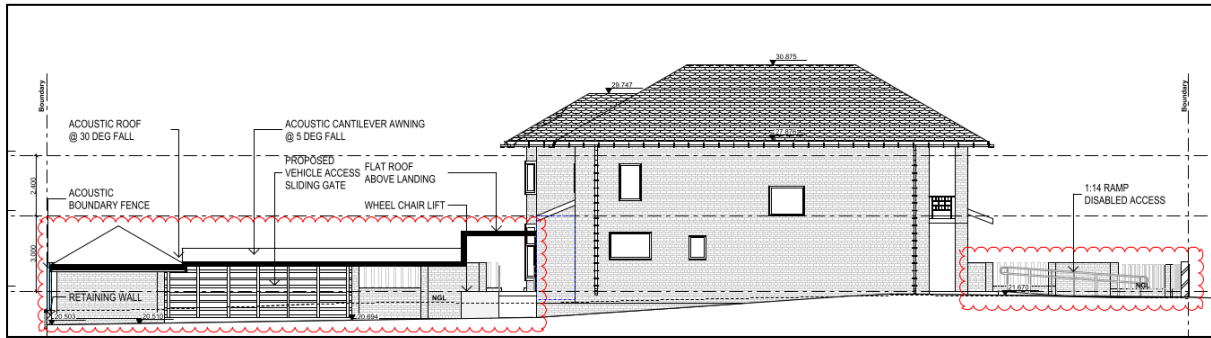


Figure 11. Extract of the eastern elevation approved by the LEC.

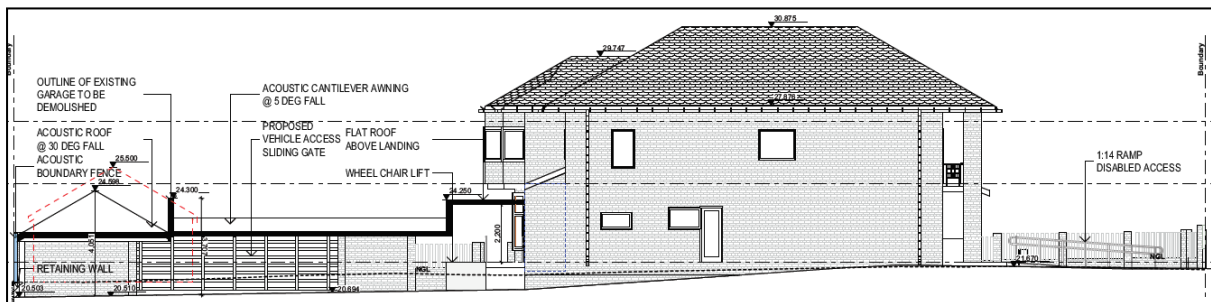


Figure 12. Extract of the proposed eastern elevation in the current modification application.

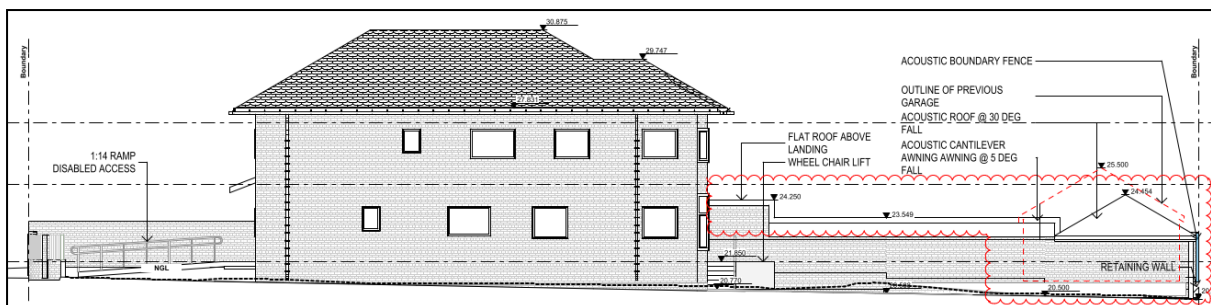


Figure 13. Extract of the approved western elevation by the LEC.

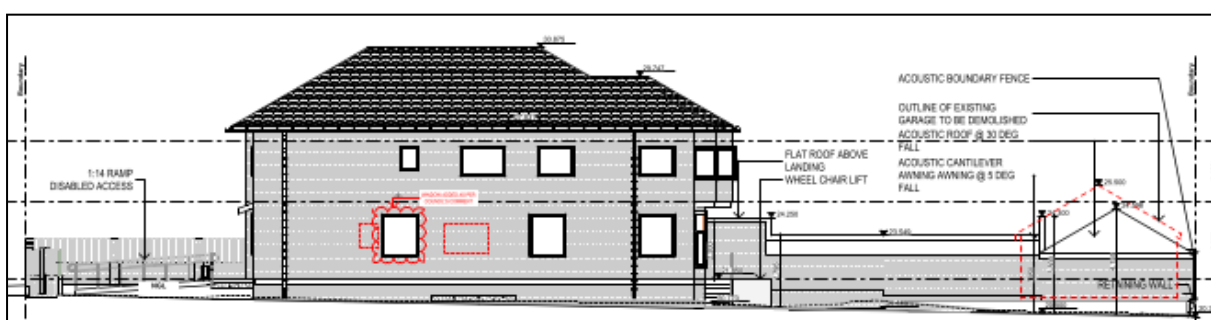


Figure 14. Extract of the proposed western elevation in the current modification application.

## **The Site and Locality**

The subject site is legally described as Lot 1 DP 900772 and commonly known as 114 Burlington Road, Homebush. It is located at the southern corner of Burlington Road and Bridge Road.

The site is a regular-shaped corner block that has a primary front width of 12.19m and secondary front width of 45.72m, with a total area of 557m<sup>2</sup>.



The site is currently under construction and occupied by a two-storey brick building, attached structures (carport) at the rear, and some construction materials.

The building approved by the LEC and the works proposed in the current modification application will continue to be consistent with the single to double-storey brick building character of Burlington Road.



*Figure 15. A closer aerial imagery of the subject site (outlined) and the immediate locality.*





*Figure 16. Primary street (Burlington Rd) elevation of the existing building on the site.*



*Figure 17. Corner outlook to the subject site and the existing building, single-storey neighbouring building shown in the background.*





*Figure 18. Rear elevation of the subject site.*



*Figure 19. Attached structures (carport) at the rear of the site.*



*Figure 20. Proposed enlarged prayer room.*



*Figure 21. Southern outlook of the prayer room.*





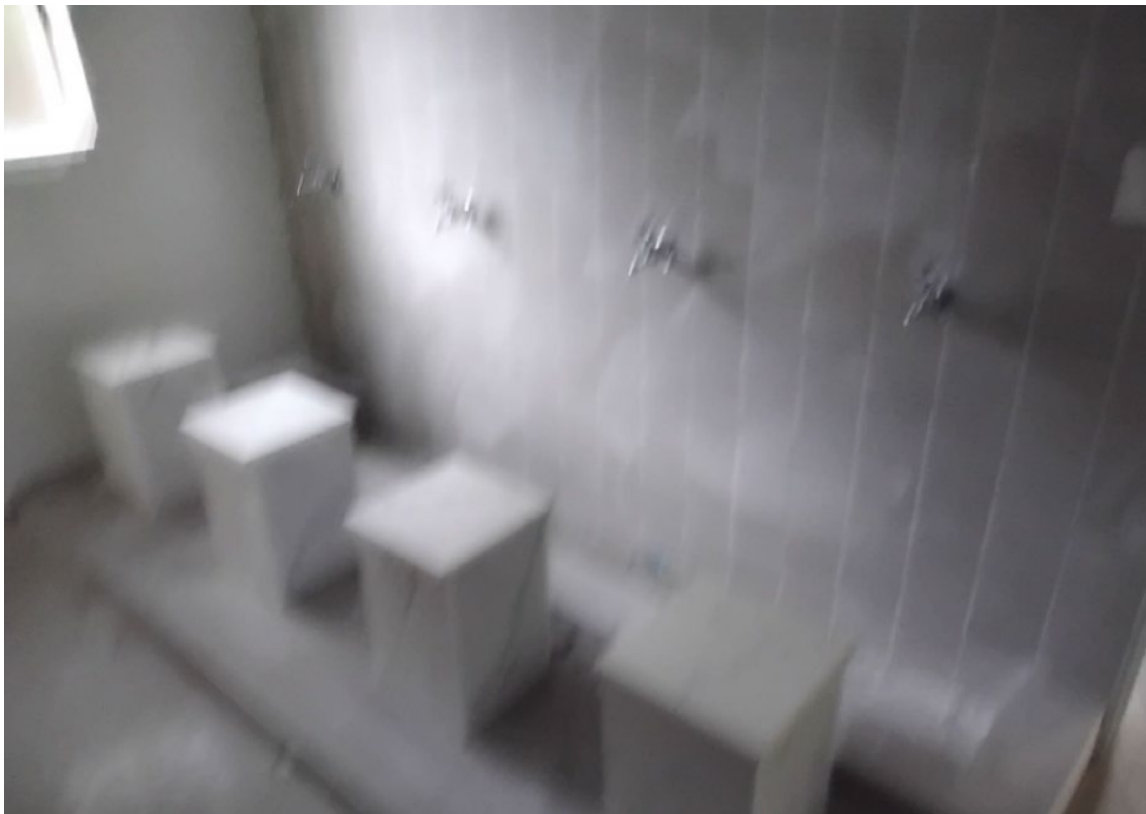
*Figure 22. Proposed kitchen.*



*Figure 23. Ground floor bay window.*



*Figure 24. Ground floor bathroom with the WCs already installed.*



*Figure 25. Washing (Wudu) area in the ground floor bathroom already installed.*



Figure 26. Cleaner storage room as per the ground floor plan.

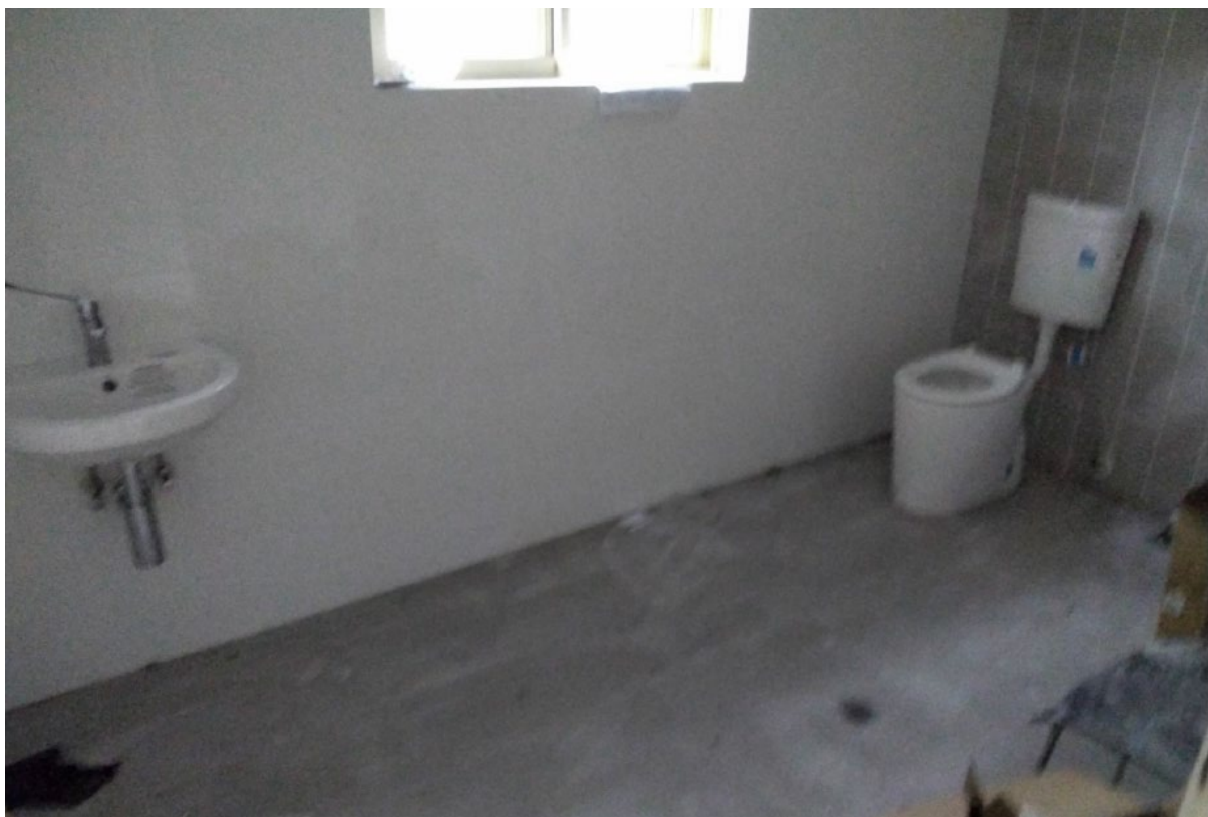


Figure 27. Existing PWD bathroom.





*Figure 28. Waiting room on the first floor.*

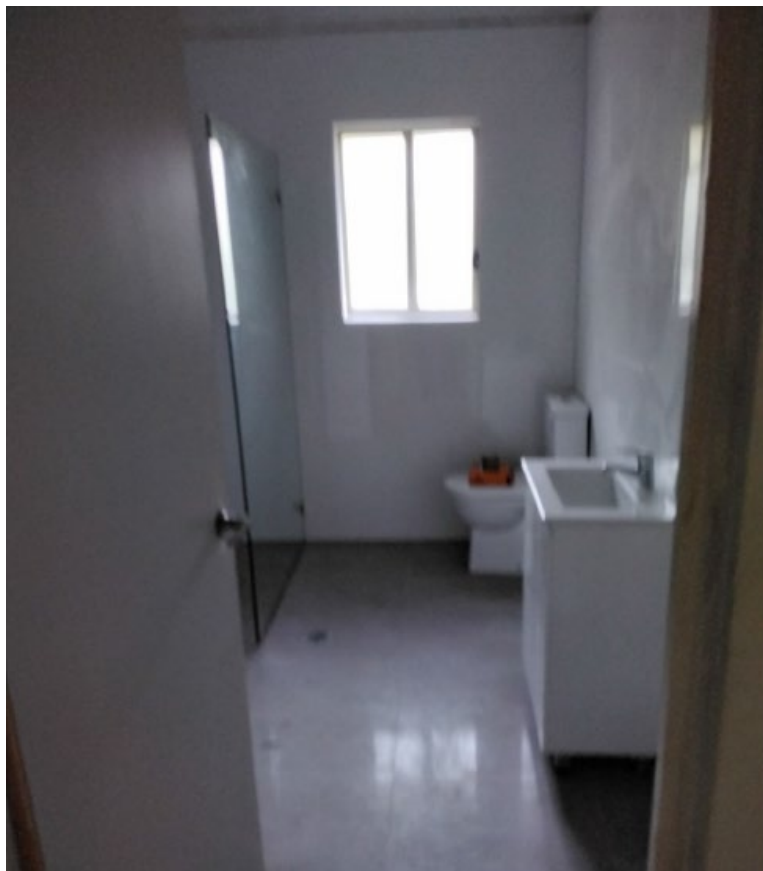


*Figure 29. Outlook to the Sheikh room on the first floor.*





*Figure 30. Office 2.*



*Figure 31. Existing bathroom on the first floor, not shown on the first floor plan.*



*Figure 32. Existing joinery in the Shiekh room.*



*Figure 33. First floor meeting room.*



*Figure 34. Western outlook of the meeting room.*



*Figure 35. First floor bathroom, WCs and washing (wudu) area already installed.*

## **Background**

17 May 2016	The original consent, DA2016/15, for the purpose of alterations and additions to the existing dwelling, construction of a detached “wudu” (washroom) area, construction of at-grade car parking and use of the building as a place of public worship with an attached sole occupancy unit and ancillary office/meeting rooms.
15 November 2016	An appeal against the refusal of Council was lodged to the NSW Land and Environment Court (NSW LEC).
10 November 2017	The NSW LEC ordered to give consent to the DA2016/15, for the purpose of alterations and additions to an existing two-storey dwelling house including the demolition of an existing garage, at-grade parking for six cars (including one accessible space), 4 bike racks, construction of a carport, tree removal and use of the building as a place of public worship for 30 worshippers, subject to the conditions of consent.
2 February 2021	The previous modification application, DA2016/15/2, for the purpose of internal and external alterations to an existing dwelling currently in use as a place of public worship was withdrawn.
22 September 2021	The current modification application, DA2016/15/3, was lodged.
30 September 2021	The application was put on public exhibition until 22/10/2021, where three submissions were received.
2 November 2021	Council’s Planner carried out a site visit.
4 November 2021	Council’s Planner carried out a site visit with internal access of the site.
8 November 2021	An additional information letter was issued via the NSW Planning Portal and raised the following concerns: <ul style="list-style-type: none"> <li>Addressing the blank wall appearance from the secondary street as a result of removal of windows.</li> </ul>
26 November 2021	The applicant has provided the requested information via the NSW Planning Portal.

## **Referrals – Internal and External**

### **Health**

The application was referred to Council’s Environmental Health Officer, who offered no objection to the proposed development.

### **Building**

The application was referred to Council’s Building Compliance Officer, who offered no objection to the proposal, subject to the imposition of conditions of consent.



## **Section 4.56 of the EP&A Act 1979**

The application has been lodged under the provisions of S4.56 of the EPA Act. The application is considered to be of minor environmental impact, is substantially the same development for which consent was originally granted, has been notified in accordance with the provisions of Council's CPP and any submissions made will be considered as part of this assessment. In addition, under the provisions of S4.56(1A), the reasons for the granting on the consent that sought to be modified will be taken into consideration during the detailed assessment of the application.

## **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 R2-Low Density Residential and the proposal as modified is a permissible form of development with Council's consent.

## **Part 4 – Principal Development Standards**

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.4C</b> Exceptions to Floor Space Ratio (Zone R2)	0.625:1 (348.13m <sup>2</sup> )	0.48:1 (267.1m <sup>2</sup> )	Yes

*Table 1. Relevant principal development standard.*

### **Floor Space Ratio**

The proposed development satisfies the floor space ratio required under Clause 4.4C of the SLEP 2012. The proposal involves a decrease of GFA with the reduction in size of the bay window on the ground level.

## **Part 5 – Miscellaneous Provisions**

### **Heritage Conservation**

The subject site is not listed as a heritage item or located within a heritage conservation area. However, the site is in close proximity to a heritage item – "118" Homebush Boys High School.

Nevertheless, the nature of the proposed changes is considered to have no impact to the heritage significance of the item nearby. As such, it is considered that the provisions of the clause and its objectives are considered satisfied.

## **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.

### **Earthworks**

The proposal does not include any significant excavation or basement works. Any excavation for footings or levelling of the site 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.

### **Essential Services**

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

### **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 objectives outlined within SEPP55 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.

- (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. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP, where applicable to the proposed changes;

#### **PART H – Waste Management (SCDCP 2005)**

A waste management plan was submitted with the original application. The existing plan adequately accommodates the modified development.

#### **PART P – Heritage (SCDCP 2005)**

The site is in close proximity to Homebush Boys High School, which is listed as an item with local heritage significance. The nature of the proposal will not have an impact to the heritage significance of the nearby heritage-listed items and as such is supportable.

#### **PART Q – Urban Design Controls**

##### **Landscaping**

The nature of proposal does not alter the amount of landscaping approved by the NSW LEC in the original consent. As such, the proposed development continues to satisfy the objectives of the development control.

##### **Parking**

The proposal involves an additional parking space to be provided on the site. This is an improvement to the parking situation as an additional parking space off the street can only provide a benefit to the community. As such, the proposed additional parking space is acceptable.

- (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.

## **Plan of Management**

The provided Plan of Management for the modification application is consistent with the approved Plan of Management. The condition relating to the Plan of Management in the original consent will continue to be applied.

### **(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 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. Three submissions were received initially received, however, as per Council's CPP, anonymous submissions are not considered. As such, two valid submissions were received, raising the following concerns:

#### **1. Use**

Comment: Concerns were raised regarding the use of the building as a place of public worship. It is noted that places of public worship are a type of development that is permitted to be carried out in an R2 zone (low density residential). It is also noted that the NSW LEC overruled the refusal of Council in 2016 to permit the use of the former dwelling house to a place of public worship capable to accommodate 30 worshippers.

To clarify, the current modification application is not for the use but for alterations and additions to the existing building already approved as a place of public worship. As such, the approval by the NSW LEC will remain applicable.

#### **2. Operating Hours and Acoustic/Noise**

Comment: Concerns were raised about the operating hours of the place of public worship and that it will disturb the nearby residents when it comes to traffic and noise. The approval given by NSW LEC includes conditions of consent such as:

- Trial period of 18 months from the date the use commenced (i.e. date of issue of an occupation certificate),
- Operating hours of 5.00am to 9.30pm,
  - 5.00am worship should only have 15 attendees, and
  - No midday prayer session on any Friday.

In accordance with the provided Plan of Management, there will be five daily prayers to be held which depends to the position of the sun as per the Islamic Jurisprudence.

To control any adverse impact it may have on to neighbouring properties, several conditions of consent were imposed by the NSW LEC including restricting the number of attendees to 15 for the dawn worship (from 5.00am to 6.00am) and requiring all windows and doors to be closed during prayer.

The approved operating hours will remain the same as the approved.

#### **3. COVID and Number of Worshippers**



Comment: A concern was raised regarding how the safety of the worshippers will be ensured during the time of pandemic (i.e. covid). Note that part of the proposal is enlarging the prayer area by demolishing some internal walls. This will assist in ensuring that the worshippers will be spaced appropriately and safely in accordance with the NSW Government restrictions, as they evolve.

Note that despite the enlargement of the prayer area, the condition restricting the number of attendees will still be in place and applicable.

**(e) *the public interest.***

The proposed development, as modified, is of a scale and character that does not conflict with 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).

The proposed modifications do not result in the increase or change to the contributions imposed on the original consent.

**Conclusion/Recommendation**

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 SCDP 2005.

Pursuant to Section 4.56 of the *Environmental Planning & Assessment Act 1979* and following detailed assessment of the proposed modifications to Development Consent No. 2016/15/3 be approved subject to the conditions of consent, as amended.

1. The proposed modifications does not result in the change to the description of the approved development and is to be maintained.
2. The original conditions of consent of development consent No. 2016/15 as approved for except were amended as below.
3. As part of this Section 4.56 application, the following conditions are to be modified, added or deleted;
  - Modify condition #2: Approved Plans and Documentation
  - Add condition #2A: Building Information Certificate

Accordingly, development consent 2016/15/3 is approved as per the following:



**P Santos**  
**Development Assessment Planner**

- ☒ 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:**



**J Brown**  
**Planner**

**Date: 14 December 2021**

## ANNEXURE A

### GENERAL CONDITIONS (GC)

#### THIS DEVELOPMENT CONSENT IS SUBJECT TO AN 18 MONTH TRIAL PERIOD

##### 1. TRIAL PERIOD

The operation of the use under this consent is valid for a period of 18 months from the date on which the approved use has commenced (ie the date of issue of the any Occupation Certificate in relation to the development). Upon commencement of the use, the applicant is to forward to Strathfield Council ('Council') a notice detailing the commencement date of the 18 month period AND the proposed conclusion date of the use. At the expiration of this 18 month period, the operation of the development must cease, unless a separate application for the use has been submitted to and approved by Council (or the Land and Environment Court), prior to the expiration of the 18 month period. The use may continue while the application is under assessment.

##### 2. APPROVED PLANS AND DOCUMENTATION

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

<b>Drawing No.</b>	<b>Drawing Name</b>	<b>Prepared by</b>	<b>Revision</b>	<b>Dated</b>
1001	Site Plan	Architecture Design Studio Pty Ltd	F	16 October 2017
1201	Ground Floor Plan	Architecture Design Studio Pty Ltd	F	16 October 2017
1301	First Floor Plan	Architecture Design Studio Pty Ltd	F	16 October 2017
1401	Roof Plan	Architecture Design Studio Pty Ltd	F	16 October 2017
1501	Building Elevations	Architecture Design Studio Pty Ltd	F	20 October 2017
1510	Streetscape Elevations	Architecture Design Studio Pty Ltd	F	16 October 2017
1601	Building Section	Architecture Design Studio Pty Ltd	F	16 October 2017
8101	Shadow Diagram – 21 <sup>st</sup> June 9am	Architecture Design Studio Pty Ltd	A	16 October 2017
8102	Shadow Diagram – 21 <sup>st</sup> June 12pm	Architecture Design Studio Pty Ltd	B	16 October 2017
8103	Shadow Diagram – 21 <sup>st</sup> June 3pm	Architecture Design Studio Pty Ltd	A	16 October 2017
6025 – C01	Stormwater Drainage Concept Plan Site Plan	Global Project Engineers Pty Ltd	E	17 October 2017
6025 – C02	Stormwater Drainage Concept Plan OSD Basin Details	Global Project Engineers Pty Ltd	E	17 October 2017



1001	Site Plan	Architecture Design Studio Pty Ltd	J	2/09/2021
1201	Ground Floor Plan	Architecture Design Studio Pty Ltd	K	22/11/2021
1301	First Floor Plan	Architecture Design Studio Pty Ltd	K	22/11/2021
1501	Building Elevations	Architecture Design Studio Pty Ltd	K	22/11/2021

<b>Title / Description</b>	<b>Prepared by</b>	<b>Revision/Reference</b>	<b>Dated</b>
Plan of Management	Strathfield Muslim Welfare Association	3458-7335-9877 v.1	Undated
Arboricultural Impact Assessment	Growing My Way Tree Consultants		September 2016
BASIX Certificate		694453S	23 December 2015
Acoustic Report of Renzo Tonin	Renzo Tonin & Associates	TJ675-01F02 Expert Report Acoustics (r 3)	29 September 2017
<b>Plan of Management</b>	<b>Lighthouse Planning</b>	<b>136A</b>	<b>August 2021</b>

**MODIFIED: DA2016/15/3 17 December 2021**

## 2A. BUILDING INFORMATION CERTIFICATE

An application for a Building Information Certificate is to be made to and approved by Council for some works that had already been carried out without any prior consent.

**ADDED: DA2016/15/3 17 December 2021**

## 3. PLAN OF MANAGEMENT

- (a) The development is to operate strictly in accordance with the approved plan of management.
- (b) Operation of the premises shall not commence before 5:00am and shall cease by 9:30pm.
- (c) The dawn prayer commencing at 5am or thereafter shall be restricted to a maximum of 15 attendees.
- (d) No activities associated with the annual religious events of Eid and Ramadan, nor ceremonies and activities associated with weddings; celebrations; additional services (not scheduled as part of this consent) and/or social events are permitted on the premises.
- (e) There shall be no midday prayer session held on any Friday at the premises.

4. **ACOUSTIC TREATMENTS**

- (a) All windows and doors in the premises are to be kept closed during the hours of operation when prayer sessions are taking place.

5. **BUILDING CODE OF AUSTRALIA**

The unprotected openings located along the north-eastern elevation of the building are to be protected in accordance with the acceptable methods for protection of openings as set out in clause C3.4 of the Building Code of Australia. Details of the method of protection for these openings is to be included in the construction certificate plans.

6. **TREE REMOVAL**

Consent is given to remove one (1) *Cinnamomum camphora* (Camphor laurel) located at the south-eastern boundary of 114 Burlington Road, Homebush subject to the following:

- (a) The tree is to be removed (including stumps ground), to be replaced with three specimens approved by Council (Replacement Tree) as specified below.
- (b) The Replacement Tree is to be maintained for a thirty (30) week establishment phase at the expense of the Applicant. Any site preparation required is also at the applicant's expense. If the Replacement Tree declines during the establishment phase, it must be replaced with a new Replacement Tree (Subsequent Replacement Tree), at the Applicant's sole expense, which will also be subject to a thirty (30) week establishment phase upon installation.
- (c) The Applicant accepts that any Replacement Trees and/or Subsequent Replacement Trees must survive the thirty (30) week establishment phase, to Council's satisfaction, otherwise additional Subsequent Replacement Trees must be installed, at the Applicant's sole expense, which will also be subject to a thirty (30) week establishment phase.
- (d) Proof of purchase and installation arrangement of Replacement Trees must be presented to Council prior to tree removal. Proof of purchase for Subsequent Replacement Trees must be presented to Council every time a Subsequent Replacement Tree is required to be installed.
- (e) All tree work must be undertaken by a minimum AQF3 qualified arborist.
- (f) All tree work must be done in accordance with Australian Standards (AS)4373 – pruning of amenity trees and (AS)4970 – protection of trees on development sites.
- (g) It is the responsibility of the Applicant to call Dial-Before-You-Dig to locate any underground services and the Applicant is responsible for any damages incurred to underground services as a result of works being undertaken.
- (h) Council will inspect the quality of replacement specimens at time of installation. A follow up inspection will be conducted after 30 weeks to assess the health of the replacement trees.

## **TREE REPLACEMENT SPECIFICATIONS**

- (i) The Replacement Trees must be planted prior to the issue of an occupation certificate.
- (j) The Replacement Trees must be a tree selected from Council's Recommended Tree List (available on Council's website) one of which must obtain a minimum 10m in height upon maturity and be located within the front (north eastern) setback of the site.
- (k) Species selection must be reviewed and endorsed by Council before trees are planted.
- (l) Replacement Trees shall be minimum one thousand (1000) litre container size.
- (m) The Replacement Tree must be in accordance with NATSPEC specifications and guidelines.
- (n) The Replacement Tree shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, with a large healthy root system with no evidence of root curl, restriction or damage.
- (o) The Replacement Tree is to have a single leader and clear straight trunk.
- (p) The Replacement Tree is to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others necessary to stabilize the tree.
- (q) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

## **7. 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.)

## **8. 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.)



9. **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.)

10. **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 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.)

11. **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.)

12. **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.)

**13. STORMWATER CONCEPT PLANS**

Written certification confirming that the approved stormwater design is acceptable and complies with the relevant standards, codes and regulations must be obtained from a Chartered Professional Engineer who is on the Professional Engineers Register, and submitted to Council prior to the issue of a construction certificate.

**14. 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. The footway and nature strip at the service entrance must be planked out.
- 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) 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.
- xii) 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.
- 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.
- xiv) 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.
  - xv) 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.
  - xvi) 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.
  - xvii) 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.
  - xviii) Any work must not prohibit or divert any natural overland flow of water.
  - xix) Toilet facilities for employees must be provided in accordance with WorkCover NSW.
  - xx) Protection pads are to be installed to the kerb and gutter where trucks and vehicles enter the site.

(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.)

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (CC)**

### **15. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES (CC)**

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards.)

### **16. ACCESS - DISABLED TOILETS (CC)**

Plans and details of the disabled toilet/s complying with the relevant Australian Standards, the Building Code of Australia, and with regard to the Disability Discrimination Act 1992. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.



Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards.)

**17. CAR PARKING - COMPLIANCE WITH AUSTRALIAN STANDARDS**

The approved car park must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6. 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.)

**18. CAR PARKING - VEHICULAR CROSSING WIDTH AT PROPERTY BOUNDARY (CC)**

Vehicular crossings are to have a maximum width of 3m at the property boundary. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance with SCDCP 2005.)

**19. 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 81A(2) 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.)

**20. 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 orduring 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.
- ii) 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](http://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 10m<sup>2</sup> 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.)

## 21. **EXCAVATION - AFFECTING ADJOINING LAND (CC)**

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- i) protect and support the adjoining premises from possible damage from the excavation, and
- ii) where necessary, underpin the adjoining premises to prevent any such damage.



The condition referred to in subclause (i) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Structural safety.)

**22. FIRE SAFETY SCHEDULE (CC)**

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) which should be implemented in the building premises must be submitted with the Construction Certificate application, in accordance with Part 9 of Clause 168 of the Environmental Planning and Assessment Regulation 2000.

Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

(Reason: Compliance with the Environmental Planning and Assessment Act 1979.)

**23. SECTION 94 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN (CC)**

In accordance with the provisions of Section 94A(1) of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect Development Contributions Plan 2010- 2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Local Amenity Improvement Levy	\$10,223.80
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. 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 Section 94 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.)

**24. WASTE MANAGEMENT PLAN (CC)**

A Waste Management Plan (WMP) is to be provided in accordance with Part H of Strathfield Consolidated Development Control Plan 2005. All requirements of the approved Waste Management Plan must be implemented during demolition, construction and on-going use of the premises.

The WMP must identify the types of waste that will be generated and all proposals to re- use, recycle or dispose of the waste. The WMP is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate.

NOTE: The property must be inspected by a Council Waste Officer prior to the issue of an Occupation Certificate so as to ensure that the correct number of general waste and recycling bins are ordered from Strathfield Council.

(Reason: To ensure appropriate management of waste.)

**25. REMOVAL OF POWER POLE**

An approval for the relocation of the power pole as shown in the middle of the driveway on Bridge Road on the approved plans in condition 1 is to be obtained and relocation of that power pole is to be arranged in accordance with that approval prior to the issue of any Occupation Certificate.

**CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (CW)**

**26. 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.)

## 27. 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)**

## 28. 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.)

## 29. SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

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 Standards 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. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- 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.
- x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- xi) 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.
- xii) 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.
- 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 and recycling.
- xiv) 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.
- xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- xvi) 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.



- xvii) 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.
- xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

(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.)

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

### **30. CAR PARKING - VISITOR CAR PARKING SIGNAGE (OC)**

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Signage shall also be erected above the visitor parking itself. Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: Adequate access and egress.)

### **31. FIRE SAFETY CERTIFICATION (OC)**

A fire safety certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of any Occupation Certificate.

An fire safety certificate is a certificate issued by the owner of a building to the effect that each essential fire safety measure specified in the current fire safety schedule for the part of the building to which the certificate relates:

- i) has been assessed by a properly qualified person; and
- ii) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

An interim fire safety certificate must be provided before an interim occupation certificate can be used for a building under Clause 153(2) of the Environmental Planning & Assessment Regulation 2000.

A final fire safety certificate must be provided before an interim occupation certificate can be used for a building under Clause 153(1) of the Environmental Planning & Assessment Regulation 2000.

A copy of the fire safety certificate and fire safety schedule shall be:

- i) submitted to Strathfield Council;
- ii) submitted to the Commissioner of the New South Wales Fire Brigade; and
- iii) prominently displayed in the building.

(Reason: Fire safety and statutory requirement.)

**32. 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.)

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

**33. NOISE - NO AMPLIFIED MUSIC (OU)**

Music and other amplified sound played on the premises shall not give rise to offensive noise as defined under the provisions of the Protection of the Environment Operations Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary.

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: Environmental amenity.)

**34. NOISE - SIGNAGE TO PATRONS EXITING THE PREMISES (OU)**

A clearly visible sign shall be permanently erected immediately adjacent to the entry/exit doors indicating that patrons are to leave in an orderly fashion and shall leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

(Reason: Public interest.)

35. **SEATING CAPACITY - MAXIMUM PERMITTED (OU)**

Subject to condition 3(c), the premises shall accommodate a maximum number of thirty  
(30) persons at any one time.

A sign shall be erected in a prominent position in the building/premises stating the maximum number of persons/seating capacity of the approved.

(Reason: To ensure development in accordance with the approval and BCA requirements.)

36. **SECURITY MANAGEMENT PLAN (OU)**

Management must ensure the implementation of the Security Management Plan which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site.

(Reason: Amenity, health and safety.)