

Section 79C(1) Consideration

In determining this development application, the consent authority considered the following matters:

1. Development Application Details

Development Application Number	2013/025
Property Details	Lot 2 DP 1038477 48-48B Burns Street, Hillston
Zoning	RU5 - Village
Description of Proposed Development	Demolition of the Existing Hospital and Construction of a New Multi Purpose Service Health Facility
BCA Classification	N/A
BASIX Certificate	Appreciable Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Received	23 rd April 2013

State Environmental Planning Policy	Apply	Does Not
SEPP No 1—Development Standards	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 4—Development Without Consent	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 6—Number of Storeys in a Building	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 15—Rural Landsharing Communities	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 19—Bushland in Urban Areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 21—Caravan Parks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 22—Shops and Commercial Premises	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 30—Intensive Agriculture	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 32—Urban Consolidation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 33—Hazardous and Offensive Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 36—Manufactured Home Estates	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 44—Koala Habitat Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 50—Canal Estate Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 52—Farm Dams and Other Works	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 55—Remediation of Land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 60—Exempt and Complying Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 62—Sustainable Aquaculture	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 64—Advertising and Signage	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 65—Design Quality of Residential Flat Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 70—Affordable Housing (Revised Schemes)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP (Affordable Rental Housing) 2009	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP (Building Sustainability Index: BASIX) 2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP (Exempt and Complying Development Codes) 2008	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP (Housing for Seniors or People with a Disability) 2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP (Infrastructure) 2007	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Major Development) 2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP (Rural Lands) 2008	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Environmental Planning Instruments

Federal & States legislation (other than SEPP's)

Nil

Local Environmental Plan (Carrathool Local Environmental Plan 2012)

Zone

RU1 – Primary production	<input type="checkbox"/>
R5 – Large lot residential	<input type="checkbox"/>
R1 – General residential	<input type="checkbox"/>
B2 – Local centre	<input type="checkbox"/>
IN1 – General industrial	<input type="checkbox"/>
RE1 – Public recreation	<input type="checkbox"/>
RE2 – Private recreation	<input type="checkbox"/>
RU5 – Village	<input checked="" type="checkbox"/>
E1 – National parks and nature reserves	<input type="checkbox"/>
SP2 – Infrastructure	<input type="checkbox"/>
RU3 – Forestry	<input type="checkbox"/>

4. Any matters prescribed by the Regulations

Section of the EP & A Regs 2000	yes	no	N/A
S92(b) – Is demolition of a building involved? If yes, the provisions of AS 2601-1991 must be adhered to.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S93 – is this development application for a change of use for an existing building NOT involving any rebuilding, alteration, enlargement or extension to the building?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
S94 – is this a development application comprising the rebuilding, alteration, enlargement or extension of an existing building?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S98 – does the proposed development comply with the Building Code of Australia?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
S98 – is insurance required under the Home Building Act 1989?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there evidence that the insurance has been paid?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5 The likely impacts of the proposed development

Primary matters for consideration	Acceptable		Comments
	YES	NO	
Context & setting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposal is located with the Village zone. The selected area is level and requires a minimal amount to excavation.</p> <p>The single storey building will be a similar scale to the existing building, the presentation and setbacks from</p>

			<p>Moore Street will not adversely impact the local streetscape or any surrounding properties.</p> <p>The proposed development site is not effected by and Section 88B restrictions that disallows such a development.</p>
Access, transport & traffic	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The construction of the new MPS is not expected to increase the current traffic flows within the local area, with some 18 onsite carparks to be provided. In addition to the proposed onsite carparking there is existing street parking available along the Burns Street frontage.
Public domain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No notable impact of the public domain. The building is sited in a position that will not adversely impact the existing streetscape.
Utilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	All services are available to the site, with some changes required to the internal power supplies of the site.
Heritage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The existing hospital building is not heritage listed within the Carrathool LEP or the State heritage register and therefore no heritage implications are specified. NSW Health Infrastructure have identified that the building is over 100 years old and have committed to undertake a photographic record of the building, which is to be kept.
Other land resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No impacts to be expected on other land resources.
Water	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The lot is not affected by flooding.
Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minimal site disturbance to be conducted.
Air & microclimate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No impacts, other than building activities.
Flora & fauna	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No impacts
Waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Operational waste will remain services by Council, with all demolition waste to be disposed in accordance with WorkCover guidelines.
Energy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No impacts.
Noise & vibration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Noise is not expected to be substantial or interfere with the local amenities of the adjoining properties.
Natural hazards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Nil known.
Technological hazards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Nil known.
Safety, security & crime	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Nil known.

prevention			
Social impacts on the locality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No expected issues, with this facility being a vast improvement to the health provisions of the local area.
Economic impacts on the locality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Nil negative impacts expected.
Site design & internal design	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal is consistent with the surrounding land use in that area.
Construction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Crown Development.
Cumulative impacts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Nil

Additional comments:

The proposed development is permissible under Carrathool Local Environmental Plan 2012 as prescribed by Clause 5.12 which states that development being conducted by a Public Authority may be carried out under State Environmental Planning Policy (Infrastructure) 2007.

State Environmental Planning Policy (Infrastructure) 2007

Clause 56 – 57 details the permissibility of Health services facilities, within prescribed zones and whether they may be carried out with consent. In this case the new Hospital (MPS) is permitted to be located on land RU5 – Village and does require consent.

6 The suitability of the site for development

General considerations	Yes	No
Is the proposal compactable with the locality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the site conducive to the proposed development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

7. Any submissions made in accordance with this legislation:

Applicable ☒ / Not applicable ☐

General considerations	Public submissions		Submissions from Public Authorities	
	Yes	No	Yes	No
Have any issues been raised that are relevant to this development application?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Have all the relevant issues raised in the submissions been considered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8. Public interest (Federal, state and local government and community interests?)

Applicable ☐ / Not applicable ☒

Specific considerations	Yes	No
Do any policy statements from Federal or State agencies have any impacts on this development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there a S88B restriction impacting on the development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are there any planning studies or strategies that impact on this development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are there management plans, planning guidelines or advisory documents that impact on this development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are any research findings that will impact on this development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Have any additional issues been raised through public meetings or inquiries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are there consultations and submissions in addition those identified in Part 7 of this document, that impact on this development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are there potential health and safety impacts for the public that will impact on this development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Additional comments:


The development was advertised on Website with no submissions being received at the completion of the required period. NSW Health Infrastructure also undertook a public exhibition program with some eighty individual comments made, with all being fully in favour of the proposed development.

9. Recommendation

Approve conditionally ☒

Refuse ☐ – reason

Conditions attached

Signature 

Date 20/6/13

Director Planning & Environment

Shane Wilson

CONDITIONS OF APPROVAL

GENERAL

1. Compliance With The Building Code of Australia

All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).

Reason: To ensure the development complies with the requirements imposed under Clause 98 of the *Environmental Planning and Assessment Regulations 2000*, as amended, and Section 80A(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

2. Signs To Be Erected On Building and Demolition Sites

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- a. stating that unauthorised entry to the site is prohibited, and
- b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours
- c. the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.

Any sign must be removed when the work has been completed.

Note: This condition does not apply to:

- a. building work carried out inside an existing building, or
- b. building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.

Reason: It is in the public interest that adequate safety measures are provided. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

3. Shoring and Adequacy for Adjoining Properties

For the purposes of Section 80A (11) of the *Environmental Planning and Assessment Act 1979*, it is a prescribed condition of the development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

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.

Reason: To ensure the development complies with the requirements imposed under Clause 98E of the *Environmental Planning and Assessment Regulations 2000*, as amended, and Section 80A (11) of the *Environmental Planning and Assessment Act 1979*, as amended.

4. Discrimination Laws

The applicant's attention is drawn to legislation regarding responsibility to provide an improved environment for disabled persons. The Disability (Access to Premises — Buildings) Standards

2010, must be complied with and the project certifier and property owner are responsible to ensure compliance.

Reason: To meet the requirements of the Commonwealth legislation and to maximise the opportunity for all people to gain access to facilities.

PRIOR TO WORKS COMMENCING

5. Notice Of Commencement

The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works'.

Reason: Because it is in the public interest that Council receive notification in accordance with the provision of the *Environmental Planning and Assessment Act 1979*, as amended. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

6. Protection Of Public Places

If the work involved in the erection or demolition of a building or structure:

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work and the public place.

If necessary, an awning must be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Note 1: Any such hoarding, fence or awning must be removed when the work has been completed.

Note 2: Any external lighting required by this condition must be designed and positioned so that, at no time, will any light be cast upon any adjoining property.

Note 3: Prior to any hoarding being erected, the applicant must ensure that application for a Hoarding Permit is made with Council's Development Services business unit.

Reason: It is in the public interest that adequate safety measures are provided. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

7. Plumbing and Drainage Works

Any sewer or stormwater works associated with the development are to meet the requirements of the AS3500 and the Plumbing Code of Australia (NCC 2012). In this regard, it may be necessary for you to contact a Licensed Plumber and Drainer.

A Plumbing Permit must be obtained under the Local Government Act 1993, prior to any sewer or stormwater work being carried out on site.

Furthermore, all plumbing and drainage work must be carried out by a NSW Licensed Plumber and Drainer and an inspection must be carried out by Council during and upon completion of plumbing and drainage work and prior to occupation of the development.

Reason: It is in the public interest that plumbing work is carried out in accordance with AS/NZS 3500 and Plumbing Code of Australia (NCC 2012). Section 68 of the Local Government Act 1993.

8. Toilet Facilities

Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a) a standard flushing toilet connected to a public sewer, or
- b) if that is not practicable, an accredited sewage management facility approved by Council, or
- c) if that is not practicable, any other sewage management facility approved by Council.

Note 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

Note 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

Note 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

Reason: To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

DURING CONSTRUCTION

9. Development Application Record to be Kept Onsite

The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.

Reason: It is in the public interest that a copy of the Construction Certificate plans are available, and Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

10. Conform With Approved Plans

The development shall take place in accordance with the approved development plans as submitted with DA 2013/025. Any alterations or additions marked by Council on the approved plans and/or the specifications must be carried into effect.

Reason: It is in the public interest that work is carried out in accordance with the approved plans. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

11. Hours of Operation

The applicant must take all reasonable steps to minimise dust and noise generation during the demolition and/or construction process. No offensive noise must be emitted during either process. Such activities must only be undertaken Monday to Friday 7.00am to 6.00pm and Saturday 8.00am to 1.00pm, excepting public holidays.

Reason: To ensure building works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended, and to comply with the Environmental Noise Control Manual, Chapter 171.

12. Demolition of Buildings

Building demolition work is to be carried out in accordance with the requirements/provisions of AS 2601 – 2001 – Demolition of Structures.

All existing services are to be disconnected, sealed and made safe prior to the demolition and/or removal of existing structures on site. The sewer and water service is to be disconnected by a licensed plumber and drainer and all works are to be inspected by Council. The requirements of other utility authorities shall be ascertained and adhered to by the applicant.

The disposal of all asbestos materials are to be in accordance with the requirements of WorkCover NSW requirements and AS 2601 – 2001 – Demolition of Structures.

The applicant shall take all steps necessary to ensure the safety of adjoining neighbours and members of the general public.

Adjoining neighbours shall be given a minimum of 24 hours notice of the intention to commence demolition works.

Reason: to ensure that the minimum regulatory requirements are followed and ensure the safety of persons and the environment.

13. Erosion and Sediment Control

Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. All erosion and sediment control measures must be in place prior to earthworks commencing.

Reason: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

14. Excavations and Backfilling

All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

15. Rubbish and Debris

All building rubbish and debris, including that which can be wind blown, must be contained on site in a suitable enclosure, approved by Council, at all times prior to disposal at Council's Waste Management Centre. The container must be erected on the building site prior to work commencing.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

Note 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

Note 2: The applicant must retain weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

Note 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

Reason: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

16. Access – Layback

The construction of a layback(s) in the existing kerb and gutter, adjacent to the proposed footway crossing(s) to comply with Council's Guidelines for Subdivision and Developments.

All works must be completed by an approved Council Concreting Contractor.

Reason: This work is necessary to enable adequate means of vehicular access to the proposed development. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

17. Drain Building Surrounds

The ground surrounding the building must be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both must be provided to all excavated areas, hard standing areas and depressions. The invert of such drains must be a minimum of 200 mm below the finished floor level and must have a minimum grade of 1:100 to the approved storm water disposal location. This work must be carried out within fourteen (14) days of the installation of the roof gutter downpipes.

Reason: A drainage system for the disposal of stormwater must convey the water to an appropriate outfall, avoid the entry of water into a building, avoid water damaging the building and avoid the likelihood of damage or nuisance to any other property. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

18. Ponding to Neighbours

All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, direct stormwater or allow any ponding of stormwater occur on adjoining land as a result of this development.

Reason: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

19. Collect and Convey Surface Runoff to Moore St, Hillston

All storm water runoff from the proposed development must be collected on site and conveyed to Moore Street, in a manner consistent with AS 3500 and Council's Guidelines for Subdivision and Developments.

Reason: To provide for the drainage of storm water and minimise the risk of flood damage to adjoining properties. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

PRIOR TO OCCUPATION OF THE SITE

20. Compliance Certificate – Stormwater Drainage

The applicant must obtain a Compliance Certificate pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended from Council or an accredited certifying authority certifying that the drainage has been designed and installed in accordance with AS/NZS 3500. For the purposes of obtaining the Compliance Certificate the works must be inspected by Council or the accredited certifying authority after laying of pipes and prior to completion of backfilling operations.

Reason: It is in the public interest that a Compliance Certificate be issued for drainage works. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

21. Access To Manholes

Access to any manholes on the subject land must not be obstructed in any way.

Note: Any alteration to the existing manhole/s or adjustments in height to the existing manhole/s must be at the applicant's cost.

Reason: Access is required to manholes at all times. Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

22. All Weather Access, Manoeuvring & Parking

All weather access, manoeuvring and parking areas being provided and maintained within the site.

Reason: To adequately provide for the safe, all weather loading, unloading, manoeuvring and parking of vehicles within the development. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

23. Entrance and Exit Signs

Prior to the issuing of an Occupation Certificate, all signs must be erected that clearly indicate to drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land.

Reason: To ensure the entrance and exit function in the proper manner and to minimise the likelihood of accidents occurring. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

24. Car Parking – Retail/Commercial/Industrial

A minimum of 18 car parking spaces must be made available on site at all times in accordance with Australian Standard AS2890.1 2004.

Reason: To adequately provide for the parking of vehicles within the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

25. Accessible car parking

The two accessible car parking spaces provided must be constructed in accordance with AS 2890.6 - Off-street parking for people with disabilities

Reason: to ensure compliance with the relevant Australian Standards.

26. Car Parking – Layout

The car park and all associated facilities must be laid out in accordance with Australian Standard AS2890.2 2002 and approved plan.

Reason: To adequately provide for the parking of vehicles within the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

27. Waste Management

Garbage receptacles for the disposal of litter must be installed, maintained and regularly emptied.

Reason: To ensure the development does not reduce the amenity of the area by reason of an accumulation of litter. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

28. Lighting

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

Note: Compliance with Australian Standard AS4282 “Control of the Obtrusive Effects of Outdoor Lighting” will satisfy this condition.

Reason: To prevent the proposed development having a detrimental effect on the developments existing on adjoining land. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

29. Landscaping – In Accordance With Approved Plans

Landscape areas shall be constructed in accordance with the submitted landscape plan and legend, Landscape Drawing: L-01(A), Drawn by: Somewhere Landscape Architects dated 18.03.13.

The applicant will be responsible for the construction and ongoing maintenance of all landscaping proposed to the satisfaction of the Director of Planning and Environment, or their delegate.

Reason: To ensure that adequate landscaping is provided and maintained on the subject land. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

30. Noise Control

All plant and equipment to be installed so that it shall not give rise to:-

- a. A transmission of vibration to any place of a separate occupancy;
- b. A sound level, in any place of a different occupancy greater than 5db above the

- background level in any octave band from 31.5HZ to 8000HZ centre frequencies inclusive;
- c. A sound level at any point on the boundary of the site greater than the levels specified in Tables 2 and 3 of Australian Standard 1055 - 1973;
 - d. An "offensive noise" as defined in the Noise Control Act 1975.

Reason: To ensure that no noise nuisance occurs to neighbours.

31. Roof Water

All roof water that is not otherwise contained within a roof water collection tank shall be disposed of by:

- a. Piped to the street drainage system, or
- b. Discharge a minimum of 3 meters from the building and away in an appropriate manner.

Reason: *is to ensure that roof-water is disposed of in an appropriate manner.*

32. Kitchen Design and Fitout

Kitchen fit out shall comply with the Food Act (Regulation), 2003 and the Australia and New Zealand Food Association Standards.

Reason: To provide easily cleaned and maintained food premises.

33. Food Preparation Areas

The section of the building to be used for the preparation, storage or sale of food, together with all finished surfaces, equipment and appliances shall be constructed and completed strictly in accordance with the provision of the Food Act (Regulation), 2003, as amended, the Regulations made thereunder, and in accordance with Council's Food Premises Code.

Reason: So that no health risk arises from the use of the building for the preparation, storage or sale of food. (Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979, as amended)

34. Fire Safety Certificate

A Final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule:

- a. has been assessed by a properly qualified person, and
- b. was found when it was assessed to be capable of performing to a standard not less than that required by the current fire safety schedule for the building;

must be issued for the building.

The choice of person to carry out the assessment is up to the owner of the building and the assessment of each item must have been carried out within the period of three (3) months prior to the date on which the final fire safety certificate is issued.

The person who carries out the assessment:

- a. must inspect and verify the performance of each fire safety measure being assessed; and
- b. must test the operation of each new item of equipment installed in the building that is included in the current fire safety schedule for the building.

As soon as practicable after a Final Fire Safety Certificate is issued the owner of the building to which it relates:

- a. must cause a copy of the certificate together with a copy of the current Fire Safety Schedule to be given to the Commissioner of New South Wales Fire Brigades; and
- b. must cause a further copy of the certificate together with a copy of the current fire safety schedule to be prominently displayed in the building

A Final fire Safety Certificate must be provided before a final occupation certificate can be issued for the building.

35. Annual Fire Safety Statement

Each year the owner of a building to which an essential fire safety measure is applicable must cause the Council to be given an annual fire statement for the building.

An annual fire safety statement is a statement issued by or on behalf of the owner of a building to the effect that:

- a) each essential fire safety measure specified in the statement has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing:
 - i) in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule; or
 - ii) in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
- b) the building has been inspected by a properly qualified person and was found, when it was inspected, to be in a condition that did not disclose any ground for a prosecution under Division 7 "Miscellaneous Fire safety Offences".

The assessment and inspection of an essential fire safety measure or building must have been carried out within the period of 3 months prior to the date on which the annual fire statement is issued. The choice of person to carry out an assessment or inspection is up to the owner of the building. The person who carries out an assessment must inspect and verify the performance of each fire safety measure being assessed.

An annual fire safety statement for a building must deal with each essential fire safety measure in the building premises and must be given:

- a) within 12 months after the date on which an annual fire safety statement was previously given: or

- b) if a fire safety certificate has been issued within the previous 12 months, within 12 months after the fire safety certificate was issued, whichever is the later.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which it relates:

- a) must cause a copy of the statement, together with a copy of the current fire safety schedule, to be given to the Fire Commissioner, and
- b) must cause a further copy of the statement. Together with a copy of the current fire safety schedule, to be prominently displayed in the building.

36. Decommissioning Unused Tanks

Procedures for decommissioning underground tanks are described in the Australian Institute of Petroleum's Code of Practice, CP22: Removal and Disposal of Underground Petroleum Storage Tanks as in AS 1940-1993. Managing wastes arising from decommissioning of fuel tanks is regulated under the Protection of the Environment operations Act 1997 (POEO Act). This includes managing any liquids removed from the tanks, the tank materials and the soil surrounding the tanks, which may be contaminated. All these wastes must be classified in accordance with the POEO Act and DEC's Environmental Guidelines

Reason: to ensure that all measures are taken to protect the environment.

37. Occupation Certificate

The applicant must obtain an Occupation Certificate, pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, from either Council or an accredited certifying authority, prior to occupation of the building.

Note: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.