

DRAFT CONDITIONS OF CONSENT
DEVELOPMENT APPLICATION NO. 43.1/2025
LOT: 916, DP: 855880, NO. 138 THE HORSLEY DRIVE, CARRAMAR
Alterations to the existing Karitane facility.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan / Document Name	Prepared By	Project Number	Drawing / Report Number	Issue	Date
Architectural Plans	Angel Mahchut Architects Pty Ltd	24022	A00	DA2	10/01/24
			A01	DA4	07/07/25
			A02	DA4	07/07/25
			A03	DA2	10/01/24
			A04	DA2	10/01/24
			A05	DA2	10/01/24
			A10	DA2	10/01/24
			A11	DA2	10/01/24
			A20	DA2	10/01/24
			A50	DA3	07/07/25

- Statement of Environmental Effects prepared by Urbis, Project Code P0053919, Report Number 27 September 2024 – V1, dated 15th January 2025.
- Acoustic Report prepared by PKA Acoustic Consulting, Identification Number 12909, Issue R01, Version 1, dated 25th September 2024.
- Plan of Management prepared by Karitane, undated.
- Building Code of Australia Report prepared by Philip Chun Building Compliance, Report Reference Number 024-222103 Karitane_Final_BCAREport_R02_240916_i, Revision R02, dated 16th September 2024.
- Estimated Development Cost Report prepared by Slattery, Reference Number 20370-CP1-EDC, dated 27th September 2024.
- Stormwater Management and Flooding Response prepared by Enscape Studio Project Number 0457, dated 11th April 2025.
- Design Intent Statement – Fire Services prepared by Lucid Consulting Australia, Reference Number LCE101826-005, dated 30th August 2024.
- Flood Planning and Stormwater Management Letter prepared by Enscape Studio, Project Number 0457, dated 29th August 2024.
- Design Statement – Hydraulic Services prepared by Lucid Consulting Australia, Reference Number LCE101826-004, dated 30th August 2024.
- Internal Functions Plan, undated.

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- Landscape Plans prepared by Ground Ink Landscape Architects, Job Number 20240506, Drawing Number LDA-002, LDA-201, LCC-301, LDA-401, LDA-001, Revision A, dated 30th August 2024.
- Project Design Calculations prepared by Enscape Studio, Project Number 0457, dated 11th April 2025.
- Fire Services Plan prepared by Angel Mahchut Architects Pty Ltd and Lucid Consulting Australia, Drawing Number LCE101826-F00, Revision P3, dated 13th January 2025, Drawing Number LCE101826-F01 and LCE101826-F02, Revision P2, dated 30th August 2024.
- Response to RFI prepared by Urbis, dated 5th May 2025.
- Structural Design Certificate prepared by Dunning's Consulting Engineers, Reference Number 24092-C01.1, dated 4th September 2024.
- Survey Plans prepared by Summit Geomatic Pty Ltd, Job Reference Number 7142, Revision A, Sheets 1, 2 and 3 of 3, dated 27th June 2024.
- Traffic Report prepared by TEF Consulting, dated 15th January 2025.
- Panel Update and Applicant Response to Council prepared by Urbis, dated 13th July 2025.

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development:

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

2. Payment of Development Contributions

Payment of Section 7.12 Contributions

Before the issue of a Construction Certificate of alternative timing, the applicant must pay a total contribution of \$69,022.66 as calculated at the date of this consent to Council under section 7.12 of the EP&A Act in accordance with the Fairfield City Local Infrastructure Contributions Plan 2023 (Section 7.11 and Section 7.12).

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Fairfield City Local Infrastructure Contributions Plan 2023 (Section 7.11 and Section 7.12).

A copy of the contributions plan is available for inspection at Fairfield City Council.

Reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

3. Payment of Building and Construction Industry Long Service Levy

Before the issue of a Construction Certificate, the long service levy of \$15686.00 as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

Reason: To ensure the long service levy is paid.

4. Construction Site Management Plan

Before the issue of a Construction Certificate, a construction site management plan is prepared and provided to the certifier. The plan must include the following matters:

- a) The location and materials for protective fencing and hoardings to the perimeter on the site
- b) Provisions for public safety
- c) Pedestrian and vehicular site access points and construction activity zones
- d) Details of construction traffic management including:
 - i) Proposed truck movements to and from the site;
 - ii) Estimated frequency of truck movements; and
 - iii) Measures to ensure pedestrian safety near the site;
- e) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - i) AS 4970 – Protection of trees on development sites;
 - ii) An applicable Development Control Plan;
 - iii) An arborist's report approved as part of this consent
- f) Details of any bulk earthworks to be carried out
- g) The location of site storage areas and sheds
- h) The equipment used to carry out works
- i) The location of a garbage container with a tight-fitting lid
- j) Dust, noise and vibration control measures
- k) The location of temporary toilets.

A copy of the construction site management plan must be kept on-site at all times during construction.

Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

5. Utilities and Services

Before the issue of the relevant Construction Certificate, the applicant must submit the following written evidence of service provider requirements to the certifier:

- a. a response from SYDNEY WATER as to whether the plans proposed to accompany the application for a Construction Certificate would affect any SYDNEY WATER infrastructure, and whether further requirements need to be met.

Reason: To ensure relevant utility and service providers' requirements are provided to the certifier.

6. Stormwater Drainage Certificate

Before the issue of a Construction Certificate, a certificate from a suitably qualified person shall be submitted to the Certifier certifying that:

- a. Satisfactory arrangements have been made for the disposal of stormwater;
- b. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;
- c. The piped drainage system has been designed to an Average Recurrence Interval of not less than that in accordance with Council's Stormwater Management Policy 2017.

Note: Where Fairfield City Council is nominated to issue a Construction Certificate for stormwater drainage, the following details will be required:

- i. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.

A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

Reason: To ensure compliance with Council Stormwater Management Policy.

7. Final Stormwater Drainage Plan

The Construction Certificate application shall include a final detailed stormwater drainage plan and specifications suitable for construction, prepared by a suitably qualified and experienced stormwater drainage consultant. The consultant's qualifications shall be included on the stormwater plan.

The final plan shall be in accordance with:

- a. *Fairfield City Council's Stormwater Management Policy 2017,*
- b. *AS 3500,*
- c. *the BASIX certificate*

and conditions of this consent.

Reason: To ensure compliance with Council Stormwater Management Policy.

BEFORE THE COMMENCEMENT OF BUILDING WORK

8. Construction Certificate Required

Before the commencement of any site or building work, a Construction Certificate is required to be issued by a Certifier.

Enquiries regarding the issue of a Construction Certificate can be made to Council's Customer Service Centre on 9725 0222.

Reason: To ensure compliance with the EP&A Act and Regulations

9. Erosion and Sedimentation Controls in Place

Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

Reason: To ensure runoff and site debris do not impact local stormwater systems and waterways.

10. Signs on Site

Before the commencement of any site or building work, a sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

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

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Reason: (Prescribed condition EP&A Regulation, section 70 (2) and (3)).

11. Road Reserve Dilapidation Report

Before the commencement of any site or building work, the applicant shall submit a dilapidation report for the road reserve area to Council detailing the existence of, and the condition of any foot paving, kerb & Gutter and any assets provided adjoin the site for checking against Council records. Damage to Councils Road reserve and general streetscape will be restored at the developer's expense. A copy of a template report can be found on Council's web site.

Reason: To ensure Council's assets are maintained.

12. Kerb and Gutter Protection

Before the commencement of any site or building work, the developer shall provide adequate footpath, kerb and gutter protection at all points of entry to the site in accordance with Council's Code of Protection of Footpaths and Erection of Hoardings. This protection shall be maintained in good condition throughout the course of construction.

Reason: To ensure Council assets are maintained.

DURING BUILDING WORK

13. Compliance with the Building Code of Australia

Building work must be carried out in accordance with the requirements of the BCA.

Reason: (Prescribed condition - EP&A Regulation Section 69 (1)).

14. Procedure for Critical Stage Inspections

While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

Reason: To require approval to proceed with building work following each critical stage inspection

15. Hours of Work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7:00 am to 6:00 pm on Monday to Friday
- 8:00 am to 1:00 pm on Saturday

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority

Reason: To protect the amenity of the surrounding area

16. Shoring and Adequacy of Adjoining Property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —

- i. Protect and support the building, structure or work from possible damage from the excavation, and
- ii. Where necessary, underpin the building, structure or work to prevent any such damage.

This condition 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: (Prescribed condition - EP&A Regulation section 75).

17. Waste Management

While site work is being carried out:

- a. all waste management must be undertaken in accordance with the waste management plan, and
- b. upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier, detailing the following:
 - i. The contact details of the person(s) who removed the waste
 - ii. The waste carrier vehicle registration
 - iii. The date and time of waste collection
 - iv. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill
 - v. The address of the disposal location(s) where the waste was taken
 - vi. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.

Reason: To require records to be provided, during construction, documenting that waste is appropriately handled

18. Hoarding / Fencing

While building work is being carried out, a hoarding or site safety fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place.

If necessary, overhead protection is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Reason: To ensure protection to the general public.

19. Impact on Trees and Vegetation

The retained trees on the property, on the road reserve and surrounding properties that may be affected by machinery or construction work are to have appropriate Tree Protection Zones (TPZ) put in place. TPZ should not be less than 2 metres nor greater than 15 metres (except where crown protection is required). Any tree pruning must be in accordance with Australian Standard AS4373-2007, Pruning of Amenity Trees (AS4373).

Reason: To ensure the protection of vegetation.

BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

20. Works-As-Executed Plans and any other Documentary Evidence

Before the issue of the relevant Occupation Certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- a. All stormwater drainage and storage systems

The Principal Certifier must provide a copy of the plans to Council with the Occupation Certificate.

Reason: To confirm the location of works once constructed that will become Council assets.

21. Completion of Public Utility Services

Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.

Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

22. Repair of Infrastructure

Before the issue of an Occupation Certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

Reason: To ensure any damage to public infrastructure is rectified.

23. Ancillary Development Works Required

Before the issue of the relevant Occupation Certificate, the following work shall be undertaken to the satisfaction of the Principal Certifier:

- a. All retaining walls and associated drainage shall be constructed;
- b. Grading of the external ground;
- c. Construction of the driveway; and
- d. Turfing, paving and dividing fencing.

Reason: To provide an acceptable standard for completion / occupation

24. Building in Saline Environments

Before the issue of the relevant Occupation Certificate, documentary evidence shall be submitted to the Principal Certifier, certifying that the building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

Reason: To ensure compliance with Council's Building in Saline Environments Policy.

25. Landscape Certificate

Before the issue of the relevant Occupation Certificate, a Landscape Certificate from a qualified landscape architect, certifying that the completed landscape works on site are in accordance with the approved landscape plans shall be submitted to Principal Certifier and Fairfield City Council.

Reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).

26. Road Reserve Clearance Certificate

Before the issue of the relevant Occupation Certificate, a Satisfactory Road Reserve Clearance Certificate shall be issued by Fairfield City Council's Asset Management Branch certifying that the footpaths, kerbs, stormwater systems and general streetscape has been inspected and is to a satisfactory standard.

All damage shall be rectified by the developer to the satisfaction of Fairfield City Council. An application form accompanied with the appropriate fee at time of payment shall be submitted to Fairfield City Council.

Reason: To ensure any damage to public infrastructure is rectified.

OCCUPATION AND ONGOING USE

27. Occupation Certificate Required

Prior to the commencement of any use and/or occupation of the subject development (whole or part), an Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate, the Principal Certifier must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate.

Reason: To ensure compliance with the EP&A Act and Regulations.

28. Carparking – General

- a. The provision and maintenance of the following number of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2024 – Car Parking, Vehicle and Access Management - Chapter 12:
 - i. Fifty-nine (59) off-street car parking spaces for staff and visitors including,
 - ii. Two (2) off-street accessible car space in accordance with AS 2890.6.
- b. Each space shall be permanently line marked and maintained free from obstruction at all times. Staff, company and visitors vehicles shall be parked in the spaces provided on the subject premises and not on adjacent footway or landscaping areas.
- c. The car parking spaces within the back-of-house loading and unloading area shall be used for the purposes of staff car parking only. No visitors shall park within this area. These car parking spaces shall be appropriately linemarked and signposted to discourage visitor car parking.
- d. Visitors to the facility shall utilise the car parking spaces closest to the facility. These spaces shall be appropriately linemarked and signposted.

Reason: To ensure compliance with Fairfield City Wide Development Control Plan 2013.

29. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading, or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. No articulated / heavy rigid vehicles shall be used for the servicing or operations of this development.
- d. All deliveries to the premises shall be made to the onsite loading area Monday to Friday between the hours of 7:00am and 7:30am, and 5:30pm and 10:00PM.

Reason: To ensure the amenity of surrounding properties and ensure safe loading and unloading practices.

30. Hours of Operation

- a. The approved hours of operation for the use of the premises, excluding loading, unloading and servicing activities, are:

Monday to Friday:	7:30am – 5:30pm
Saturday:	No operations
Public holidays:	No operations

Note: The approved hours of operation shall be subject to review by Council in the event of any objections regarding noise nuisance etc. being received.

Reason: To ensure the acoustic amenity of surrounding properties.

31. Advertising Sign

No advertising signs or structures associated with the use of the premises are to be erected or displayed without prior approval being obtained from Council.

This requirement relates to all advertising matter, including any promotional material, displayed on the premises or in any public place.

Reason: To maintain the amenity of the streetscape and ensure consistency with the development approved by Council.

32. Use of Premises

The use of the premises shall comply with the following requirements:

- a. The portion of the site not the subject of this approval shall be maintained in a clean and tidy state at all times.
- b. The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
- c. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.
- d. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
- e. The use of the premises is not to interfere with the amenity of the residential area.
- f. The premises shall be maintained in a clean and tidy state at all times. In this regard, cleaning shall be carried out as required to ensure that the premises is maintained in an environmentally satisfactory manner.
- g. The premises shall be maintained in a clean condition and in good repair.

Reason: To protect the amenity of surrounding properties and ensure the development operates in accordance with the development consent.

33. Storage of Goods

- a. All works and storage shall be contained wholly within the building.

Reason: To protect the amenity of the streetscape.

34. Closed Circuit Television (CCTV)

- a. A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable the identity of an individual to be established beyond a reasonable doubt when:
 - i. the person represents not less than 100% of screen height, and
 - ii. there is an unobstructed view of the person's face.
- b. In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
 - i. all other public entrances and exits, whether or not in use at the time
 - ii. staircases in multi-level premises
 - iii. all portions of the floor area accessible to the public where facilities are provided
 - iv. toilet external areas
 - v. all general areas accessible by the public
 - vi. the car park area adjacent or within the premises
- c. The CCTV recordings of these cameras must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they may have seen before when:
 - i. the person represents not less than 50% of the screen height, and
 - ii. there is an unobstructed view of the persons face.
- d. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- e. Recordings must;
 - i. be in digital format
 - ii. record at a minimum of six frames per second, and
 - iii. commence one (1) hour prior to opening, and operate continuously until at least one (1) hour after closure of the venue.
- f. The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- g. Recordings should be retained for a period of 30 days before being reused or destroyed. The consent holder or licensee shall ensure that no person is able to delete or alter any recordings within the 30 day period.

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- h. When the premises is open and trading, at least one person shall be at the premises that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
- i. Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, and other regulatory officers upon request. Upon installation of the CCTV system the NSW Police Local Area Command that cover the site must be notified that the system is operating.
- j. The CCTV system shall be able to reproduce a copy of the recordings on compact disk, DVD or USB memory stick and must be provided within one working day to NSW Police, and other regulatory officers upon request.
- k. Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the consent holder shall take all reasonable steps to repair the system as soon as practical.
- l. Camera recordings must meet the standards set in (a) and (k) at all times, either by way of camera technology and settings, and/or by maintenance of lighting, camera positioning, camera shades and other environmental factors.

Reason: To ensure the safety and security of the premises and of patrons/staff utilising the premises.

35. Landscape Maintenance

All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions to ensure restoration of environmental amenity.

Reason: To ensure appropriate landscaping.

36. Finishes of Structure

The colours, materials and finishes of the proposed external works shall match and complement the existing Karitane structure.

Reason: To maintain streetscape and visual amenity.

37. Maintenance of Construction Site

During the construction and any dormant period, the applicant must ensure that the construction and/or development site is adequately maintained, as not to be prejudicial to the surrounding neighbourhood. In the event that the construction/development site remains dormant for a period in excess of three (3) months, permanent security fencing, hoarding or scaffolding, as defined in the relevant Australian Standard and incorporating visual shielding shall be provided and maintained to the satisfaction of Council until the completion of the development or as applicable.

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Signage alerting to the presence of danger and prohibiting unauthorised entry to the site and any other signage, as required by a Development Consent, shall be displayed in a prominent position.

Note: Fines may be imposed, be issued and/or legal action in the form of Notices/Orders for non-compliance with this requirement will be instigated.

Reason: To ensure the property is maintained and protect the general public.

38. Flood Affected Development

The development the subject of this consent is located within flood prone land. The following shall be complied with during the construction process:

- a. Only flood resistant materials shall be used below the designated floor level.
- b. All services and utilities connected to the property are required to be flood proofed.
- c. There is to be no alteration to the existing ground levels.
- d. A Flood Evacuation Plan prepared by a suitably qualified consultant shall be kept within the premises.

Reason: To ensure the safety of occupants and to ensure the development is carried out in accordance with flood prone land requirements.

39. Method of Stormwater Drainage

The runoff from the proposed impervious areas shall be collected and drained to the existing drainage system.

The complete roof guttering system must be operational as soon as the roof is clad. Surface stormwater shall not be directed or cause nuisance to adjoining properties.

Reason: To ensure compliance with Council Stormwater Management Policy.

40. Plan of Management

The subject site shall operate in accordance with the approved Plan of Management for Karitane Fairfield Integrated Child and Family Hub, undated.

Reason: To ensure compliance with the approved plans and documentation.

41. Lighting

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282_2019 *Control of the obtrusive effects of outdoor lighting* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

Reason: To protect the amenity of the occupants of nearby premises.