

Attachment B – Conditions of Consent

Administrative Conditions

The development must be carried out in accordance with the following conditions of consent.

1. Approved Development

Commented [LS1]: Condition modified as per Applicant's request

Development consent has been granted for construction of a new multi-purpose hall at Lot 1 DP 795105, Nos 1-39 Poole Street GRIFFITH.

It is advised that the proposed development has been assessed in regards to the provision of the Griffith Local Environmental Plan 2014 and is considered to be ancillary to an *educational establishment*, which is defined as:

educational establishment means a building or place used for education (including teaching), being—

(a) a school, or

(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

The development must be implemented in accordance with Development Application No. 137/2023(1) accepted by Council on 8 August 2023 and the below mentioned plans and/or documents, except where amended in red on the attached plans or modified by the conditions of this consent.

Drawing / Plan	Date Accepted by Council	Prepared or Drawn By
MRHS- ARM- B002-ZZ-DR-A-1001 Location Plan — Proposed Drawn Date 6/10/2023 (TRIM No.23/159698 Page 2/16)	29 November 2023	ARM Architecture
MRHS-ARM-B002-ZZ-DR-A-1002 Existing and Demolition Site Plan Drawn Date 6/10/2023 (TRIM No. 23/159698 Page 3/16)	29 November 2023	ARM Architecture
MRHS-ARM-B002-ZZ-DR-A-1003 Site Plan Drawn Date 6/10/2023 (TRIM No. 23/159698 Page 4/16)	29 November 2023	ARM Architecture
MRHS-ARM-B002-GF-DR-A-1201 Floor Plan Drawn Date 6/10/2023 (TRIM No. 23/159698 Page	29 November 2023	ARM Architecture

7/16)		
MRHS-ARM-B002-RF-DR-A-1203 Roof Plan Drawn Date 6/10/2023 (TRIM No. 23/159698 Page 9/16)	29 November 2023	ARM Architecture
MRHS-ARM-B002-ZZ-DR-A-2002 Elevation (North /South) Plan Drawn Date 6/10/2023 (TRIM No. 23/159698 Page 10/16)	29 November 2023	ARM Architecture
MRHS-ARM-B002-ZZ-DR-A-2002 Elevation (East/West) Plan Drawn Date 6/10/2023 (TRIM No. 23/159698 Page 11/16)	29 November 2023	ARM Architecture

Document	Date Accepted by Council	Prepared or Drawn By
Statement of Environment Effects TRIM (23/159700)	29 November 2023	URBIS
Statement of Environmental Effects (TRIM No. 23/96020)	8 August 2023	URBIS

If there is any inconsistency between the approved plans and documents referred to above, the conditions shall prevail.

2. Provision of Services

The applicant is to be responsible for all amplification, extension and adequate provision for connection to services at their own expense. The work is to be in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* and relevant authorities' specifications.

3. Lapsing of Consent

In accordance with Section 4.53 of the Environmental Planning and Assessment Act, 1979 this consent is valid for a period of five (5) years from the date of consent.

Note 1: Development consent for the purpose of the erection of a building or the subdivision of land or the carrying out of a work does not lapse if building, engineering or construction work relating to the development is lawfully and physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

Note 2: Development consent for the purpose of the use of the land, building or work the subject of the consent does not lapse if it is actually commenced the date on which the consent would otherwise lapse.

4. Damage to Council property

If any damage is occasioned to Council property during construction and associated works, the cost of repairs will be recoverable. It is therefore requested that any damage which is obvious before works commence be immediately notified to Council to avoid later conflict.

5. Existing Services

The applicant must check that the proposed works do not affect any Council, electricity, telecommunications, gas or other services. Any required alterations to services will be at the developer's expense.

6. Tree Preservation

The applicant is advised that the land is subject to Council's Tree Policy and the requirements of that policy are to be strictly adhered to. Should the applicant/owner require advice in this regard they are to contact Council's Parks and Gardens Department.

7. Stormwater runoff

All stormwater runoff shall be directed to Council's street system via a pit and pipe system for disposal. Stormwater runoff shall not be permitted to flow over property boundaries onto the adjoining properties unless legally created easements in accordance with Section 88B of the Conveyancing Act are created. All works shall be carried out in accordance with *Council's Engineering Guidelines – Subdivision and Development Standards and Council's Stormwater Drainage & Disposal Policy (CS-CP-310)*.

8. Aboriginal Heritage

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

1. Not further harm the object.
2. Immediately cease all work at the particular location.
3. Secure the area so as to avoid further harm to the Aboriginal object.
4. Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location.
5. Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and the Department contacted of Planning, Industry and Environment.

9. Other Cultural Heritage

Should any cultural artefacts, archaeological relics or any object having interest due to its age or association with the past be located during the course of works, all works are to cease immediately and notification shall be provided to the Office of Environment and Heritage in accordance with the *National Parks and Wildlife Act 1974*. Work shall not recommence in the area until this is authorised by the Office of Environment and Heritage.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1977 may be required before further the work can continue.

10. National Construction Code

All building work must comply with and be carried out in accordance with the requirements of the Building Code of Australia.

All plumbing and drainage works must comply with and be carried out in accordance with the requirements of the Plumbing Code of Australia.

11. Disability Discrimination Act

The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the *Disability Discrimination Act 1992* and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the National Construction Code of Australia and *Australian Standard 1428.1 - Design for Access and Mobility* does not necessarily satisfy the objectives of the *Disability Discrimination Act 1992*. The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with *Australian Standard 1428* Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the *Disability Discrimination Act 1992*.

12. Access for People with a Disability

The *Disability (Access to Premises – Building) Standards 2010* (Access Code) applies to this building. Plans detailing compliance with the Access Code must accompany the application for a construction certificate.

Note: The granting of development consent and any associated plans does not imply compliance with the Access Code.

13. Contaminated Land Unexpected Finds

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

Prior to the issue of a Crown Certificate for Building Works

Prior to commencing construction work, you will need a Construction Certificate for building works issued by Griffith City Council or an Accredited Certifier. Before a Construction Certificate can be issued, compliance with the following conditions is to be demonstrated.

14. Landscape Plan

Prior to the issue of the Crown Certificate a detailed landscaping plan shall be designed for the proposed development. A copy is to be submitted to and approved by Council or the Principal Certifier.

- (a) The landscaping plan shall be drawn to scale (minimum 1:200) by a suitably qualified person and include: Identification of all trees to be retained, removed or transplanted
- (b) The location of all existing and proposed tree and shrub species
- (c) Height and spread of selected species at maturity

Commented [LS2]: Condition modified as per Applicant's request

- (d) Elevation of landscaped areas
- (e) Irrigation measures
- (f) ~~The nature strip and the footpath areas of the development are to be incorporated into the overall landscaped area of the development.~~

Landscaping to be provided within the site and along the boundary with the adjoining road reserve (including laneways) is to be designed and maintained to provide safe sight distance for pedestrians and motorists entering and exiting the site.

The purpose of the landscaping shall be to screen and soften the visual impact of the proposed development on the streetscape. ~~The nature strip and the footpath areas of the development are to be incorporated into the overall landscaped area of the development.~~

15. Payment of building and construction industry long service levy

Prior to the issue of a Crown Certificate, the applicant is to ensure that the person liable pays the long service levy 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.

16. ~~Section 7.12 Development Contributions~~

~~In accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* (former S94A) and Council's Development Contribution Plan 2010, this development requires the payment of a 7.12 contribution. The Section 7.12 Contribution is required towards the provision of public amenities and services in accordance with Councils adopted *Section 94A Contributions Plan 2010 (Amendment 2013)*. A copy of this policy is publicly available from Council's website www.griffith.nsw.gov.au.~~

~~Total payment shall be \$102,190.00 (1% of the proposed cost of carrying out the development). In accordance with Council's Section 94A Contributions Plan 2010 (Amended 2013) the total payment amount will be indexed by the Consumer Price Index (All Groups Index for Sydney as published by the Australian Bureau of Statistics), applicable at the date of payment.~~

~~The contribution is to be paid prior to the issue of the Crown Certificate, unless other arrangements acceptable to Council are made. Payment is to be in the form of cash or bank cheque. Where bonding is accepted a bank guarantee is required.~~

Commented [LS3]: Condition deleted as per Applicant's request

17.16. Section 64 Water Supply, Sewerage and Drainage Contributions

Pursuant to Section 64 of the *Local Government Act 1993* and the *Water Management Act 2000*, this development requires a payment of a S64 contribution. The amount payable at the time of issue of this consent is set out in the table below.

Table of Contributions Required – Water, Sewerage & Drainage

Type of contribution	Amount per tenement	Number of tenements	Amount to be paid
Water supply	\$ 8,695.00	2 ET	\$17,390.00
Sewerage	\$ 6,093.00	3.15 ET	\$19,192.95
Total			\$36,582.95

The total amount payable will be subject to review in accordance with Council's Revenue Policy current at the time of payment.

The contribution is to be paid **prior to the issue of the Crown Certificate** unless other arrangements acceptable to Council are made.

The contribution is exclusive of the fees for the connection of water services to the individual allotments. Payment is to be in the form of cash or bank cheque. Where bonding is accepted a bank guarantee is required.

Reason: Pursuant to Section 64 of the *Local Government Act 1993* and the *Water Management Act 2000*, the applicant is required to apply to Council for a Compliance Certificate under the provisions of S305 of the *Water Management Act 2000*.

~~18.17.~~ Onsite detention

Stormwater detention is to be created onsite for all events up to and including the 1% AEP event. The maximum developed discharge is to be 65 litres per second per hectare for the proposed development as approved by this Development Application. Design and details in accordance with *Council's Engineering Guidelines – Subdivision and Development Standards*, Council's *Onsite Detention Policy (CS-CP-404)* and Council's *Stormwater Drainage & Disposal Policy (CS-CP-310)* are to be submitted to Council for approval **prior to the issue of a Crown Certificate**.

A qualified Civil Engineer with experience in Hydraulic Analysis shall design and certify the Onsite Detention System, which shall be maintained for the life of the project. The consultant is to sign off all drawings and calculations and provide details of Professional Indemnity Insurance.

~~19.~~ ~~Shared path~~

~~Prior to the issue of a Crown Certificate, the applicant shall submit detailed design plans for a 2.5 metre wide, shared concrete footpath. The shared path is to be constructed along Clifton Boulevard for the full frontage of the subject allotment and is to include appropriate infrastructure to ensure safe movements are available for pedestrians crossing the road. Detailed design drawings are to comply with Council's Engineering Guidelines – Subdivisions and Development Standards and Council's Pedestrian and Bicycle Strategy – May 2018.~~

Commented [LS4]: Condition deleted as per Applicant's request

Prior to Commencement of Works

The following conditions need to be met prior to the commencement of works. The necessary documentation and information must be provided to the Principal Certifying Authority (PCA), as applicable.

~~20.18.~~ Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

~~24.19.~~ Notification of Commencement

Prior to commencing work the person having the benefit of the consent has:

- (a) given at least 2 days notice to the council, and the principal certifier if not the council, of the person's intention to commence the erection of the building, and
- (b) if not carrying out the work as an owner-builder, has:
 - i appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii notified the principal certifying authority of any such appointment, and
 - iii 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.

22.20. Signs on site

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.

23. ~~Construction Management Plan (CMP)~~

~~Prior to the commencement of work, a Construction Management Plan is to be prepared by a suitably qualified professional detailing the proposed traffic control and traffic management arrangements during the construction of the development. The Construction Management Plan is to be submitted to Council for approval and is to address, but not be limited to, the following:~~

- ~~— (a) the management of traffic during construction;~~
- ~~— (b) the management of loading and unloading of construction materials on site;~~
- ~~— (c) material stockpiling/storage;~~
- ~~— (d) identify parking for construction worker vehicles;~~
- ~~— (e) dust mitigation measures; and~~
- ~~— (f) complaint management and contingency measures.~~

~~The construction and traffic management measures specified in the approved Construction Management Plan shall be implemented for duration of construction.~~

Commented [LS5]: Condition deleted as per Applicant's request

24.21. Traffic Control Plan (TCP)

A traffic control plan is to be submitted to Council satisfying the provisions of Australian Standard 1742.3, for acceptance **prior to the commencement of work within Council's road reserve**. Strict compliance to the traffic control plan is to be maintained throughout the duration of the construction work.

25.22. Sedimentation and Erosion Controls

Effective dust, noise, sedimentation and erosion controls are to be implemented prior to the commencement of site works. This is to include (as a minimum):

- (a) the installation of a sediment fence with returned ends across the low side of the works; and
- (b) a temporary gravel driveway into the site. All vehicles needing to access the site are to use the temporary driveway.

The control measures are to be installed **prior to the commencement of site works** and maintained during works in order to ensure that site materials do not leave the site and/or enter the stormwater system and to maintain public safety/amenity.

26-23. Floor levels

Floor levels are subject to Council's *Buildings - Floor Heights Policy*. The floor levels of habitable rooms for new buildings associated with the proposed development shall not be less than 410mm above the surrounding ground level. This shall be verified by the submission of a certificate from a registered surveyor **prior to pouring the slab or constructing the floor framing**. In the event that this level is unachievable, documentary evidence, including a detailed design is to be submitted to Council for approval.

27-24. Tree Protection Measures

All trees to be retained within the vicinity of the construction works are to appropriate protection measures put in place prior to commence of works.

During Construction

The following conditions of consent must be complied with at all times during the demolition, excavation and construction of the development.

28-25. No obstruction of public way

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

29-26. Shoring and adequacy of adjoining property (if applicable)

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:

- (a) protect and support the building, structure or work from possible damage from the excavation, and,
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

The 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.

30-27. Maintenance of site

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Copies of receipts stating the following must be provided to the consent authority on request:

- (a) the place to which waste materials were transported,
- (b) the name of the contractor transporting the materials,
- (c) the quantity of materials transported off-site and recycled or disposed of.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site must have their loads covered, and
- (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

34.28. Toilet Facilities

Adequate toilet facilities are to be provided on the site throughout the demolition/construction phase of the development. Such toilet facilities are to be provided, at the ratio of one (1) toilet for every twenty (20) persons (or part thereof) employed/working on the site. Each toilet provided must be a standard flushing toilet and must be connected to a public sewer, or an accredited sewage management facility approved by council. If connection to either a public sewer or an accredited sewage management facility is not practicable, it shall be connected to some other sewage management facility approved by council. Toilet facilities must be provided and functioning **prior to the commencement of work**. In this clause:

accredited sewage management facility means a sewage management facility to which Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

32.29. SafeWork NSW

The developer is required to comply with any and all requirements of the SafeWork NSW.

33.30. Required documentation

For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of Development Consent (Notice of Determination) and Construction Certificate on site.

34.31. Hours of Work

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

7.00am to 6.00pm on Monday to Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

35.32. Plumbing and Drainage Inspections

The carrying out of Water Supply Work, Sewerage Work and Stormwater Drainage Work requires an approval under Section 68 of the Local Government Act 1993. Approval and Inspection is required by the Regulatory Authority being the NSW Office of Fair Trading who has delegated authority to Griffith City Council to carry out these tasks.

The following inspections are required to be carried out.

- (a) Internal / External sanitary drainage (including sanitary plumbing) prior to covering.
- (b) Stormwater Drainage. - External drains connection from base of down pipes to designated disposal point.

Note: All plumbing and drainage work is to be carried out by licensed tradesman and necessary S68 approval permits obtained through Council prior to works commencing, by submitting an application via the NSW Planning Portal and linking it to the Development Application or Construction Certificate application.

Note: A Certificate of Compliance will need to be submitted, along with a Works as Executed Drawing, at the completion of works. Inspection fees will apply in accordance with Councils revenue policy and are required to be paid prior to inspection.

Should adequate notice not be given for cancellation of an inspection, or if works have not progressed to a stage where an inspection can be completed, a default penalty may be imposed upon the applicant by Council.

Twenty four (24) hours notice is to be given to Council's Customer Service by telephoning 1300 176 077 to arrange for an inspection to be carried out.

36. ~~Survey of Building Location~~

~~A survey report, prepared by a registered and practising Land Surveyor is required to verify the siting of the building in relation to adjacent boundaries. This survey shall be undertaken prior to work proceeding past the completion of footings and before concrete is poured. A copy of this report shall be submitted to Council prior to the issue of the Occupation Certificate/ Final Compliance Report.~~

Commented [LS6]: Condition deleted as per Applicant's request

37.33. Kerb Adaptors

Where required, kerb outlets for stormwater to be saw cut with suitably approved kerb adaptors to be installed using 20 MPa concrete.

Prior to the issue of the Occupation Certificate / Final Compliance Report

An Occupation Certificate/ Final Compliance Report must be obtained from the Principal Certifying Authority (PCA) prior to occupation of the new building, part of the building, or a change of building use. Prior to issue of an Occupation Certificate/ Final Compliance Report compliance with the following conditions is to be demonstrated.

38.34. Installation of Landscaping

The approved landscaping areas shall be installed to the satisfaction of Council **prior to the issue of the Occupation Certificate/ Final Compliance Report**. The maintenance of the landscaping areas within Council's road reserve shall be the responsibility of the person with the benefit of the development consent and to the satisfaction of Council.

39.35. Submission of Survey of Building Location

A survey report, prepared by a registered and practising Land Surveyor is required to verify the siting of the building in relation to adjacent boundaries. This survey shall be submitted to Council **prior to the issue of the Occupation Certificate/ Final Compliance Report**.

40.36. Fire Safety Certificate

An occupation certificate authorising a person

- (a) to commence occupation or use of a new building, or
- (b) to commence a change of use for an existing building, must not be issued unless a final fire safety certificate has been issued for the building.

An occupation certificate authorising a person

- (a) to commence occupation or use of a partially completed new building, or
- (b) to commence a change of use for part of an existing building, must not be issued unless a final fire safety certificate or an interim fire safety certificate has been issued for the relevant part of the building.

41.37. Drainage Diagram

Where development includes the installation of sanitary plumbing and drainage works between the building and Council's sewer, the applicant is required to submit to Council a drainage diagram. This diagram shall be prepared and submitted to Council **prior to the issue of the Occupation Certificate/ Final Compliance Report**. The diagram shall be drawn to scale at a ratio of 1:100 showing the location of the buildings and fittings and all pipelines, junctions, inspection openings and the like. Alternatively, Council can be requested to carry out the work upon payment of the fee listed in Council's current Revenue Policy

42.38. Prior to commencing operation

Prior to commencing operation, an inspection of the premises is to be undertaken by Council's Officers. The following matters are to be implemented **prior to the issue of the Occupation Certificate/ Final Compliance Report**, and complied with at all times throughout the use of the development.

(a) Food Premises – General

The construction and operation of the food premises shall comply with ~~all applicable~~ legislation/regulation and standards that are relevant to a servery facility, including:

- The Food Act 2003
- Food Regulation 2015
- Food Standards Australia and New Zealand - Food Standards Code
- [NSW Government Standard 3.2.2A Guideline for school canteens](#)

Commented [LS7]: Condition modified as per the Applicant's request

Commented [LS8]: Condition modified as per Applicant's request

- [NSW Food Authority – School Canteens](#)

The construction, fit out and finishes of the food premises must comply with:

- [NSW Government Standard 3.2.2A Guideline for school canteens](#)
- [NSW Food Authority – School Canteens Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and](#)
- [AS 4674 – Design, Construction and Fit out of Food Premises.](#)

(b) Floor surfaces

The floor of the food premises must be finished in an approved non-absorbent material, evenly laid, graded and drained to a trapped floor waste.

The floor must be coved at the intersection with the walls.

(c) Walls and Ceilings

~~The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth faced impervious material.~~

~~Ceilings within the food preparation and storage areas must be free of gaps and open joints and must be finished with an impervious sealed material. Suspended ceiling panels are not permitted in food preparation areas, food storage areas or areas where open food is displayed or served.~~

Commented [LS9]: Condition removed as per Applicant's request

(d) Hand Washing Facilities

~~Hand wash basin/s, with hot and cold running water mixed through a common spout, liquid hand wash soap and hand drying facilities must be provided in all food preparation areas, and toilets used by food handlers and must be no further than 5m travel distance from a place where a food handler is handling food.~~

Commented [LS10]: Condition removed as per Applicant's request

(e)(c) Food Notification

Food business shall register their details by completing the "Notification of Food Business" form to the Griffith City Council prior to the issue of the Occupation Certification application.

(f)(d) Entry of Pests

The design and construction of food premises must not permit the entry of pests through windows and/or other entrances e.g. fly screens on opening windows.

(g)(e) Fixtures, Fittings and Appliances

- A single bowl sink and a dishwasher or a double bowl sink must be provided in the food preparation or designated area, (of a capacity to handle the food preparation equipment) in addition to the hand basin.
- The appliances used to store potentially hazardous food must have a capacity to keep food hotter than 60°C or colder than 5°C and be provided with a thermometer, accurate to 1°C and which can be easily read without opening the appliance.
- All service pipes, electrical conduits, refrigeration condensate pipes and the like must be chased into walls and floors or at least 25mm off the wall.
- All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.
- Where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.

(h)(f) Clearances and Supports of Equipment

- All stoves, refrigerators, cupboards and similar fittings must have metal legs made of non-corrosive metal or moulded plastic at a minimum height of 150mm above the

floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75 mm high.

- ii. All shelving must be fixed 25mm clear of the walls on solid metal brackets.

(i) Mechanical Exhaust System

~~The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the National Construction Code. No approval is granted for the burning of wood-fired fuel.~~

Commented [LS11]: Condition removed as per Applicant's request

(j)(g) Food Safety Supervisor Certificate

Food Business shall appoint a Food Safety Supervisor and notify Griffith City Council. The Food Safety Supervisor must be trained by a Registered Training organisation approved by the NSW Food Authority. A valid Food Safety Supervisors certificate shall be available on the premises at all times.

(k)(h) Notice to Occupy

To ensure compliance with the NSW Food Act 2003 and the Food Standards Code, Griffith City Council shall be given a minimum 2 days' notice prior to the intention to occupy the premises and commence trade.

(l)(i) Pre-packaged Food Only

Food Premises is approved for the sale and preparation of pre-packaged food only.

43. Engineering Inspections

~~The applicant is required to pay for all inspections carried out by Council's Engineers as per Council's current revenue policy prior to the issue of an Occupation Certificate/ Final Compliance Report.~~

Commented [LS12]: Condition removed as per Applicant's request

44.39. Installation of stormwater infrastructure

Prior to the issue of an Occupation Certificate/ Final Compliance Report, stormwater infrastructure and any approved onsite detention system is to be installed in accordance with the approved construction plans, Council's *Engineering Guidelines – Subdivisions and Development Standards*, and Council's *Stormwater Drainage & Disposal Policy (CS-CP-310)*.

45. Submission of Survey of Building Location

~~A survey report, prepared by a registered and practising Land Surveyor is required to verify the siting of the building in relation to adjacent boundaries. This survey shall be submitted to Council prior to the issue of the Occupation Certificate/ Final Compliance Report.~~

Commented [LS13]: Condition removed as per Applicant's request

46. Shared path

~~**Prior to the issue of an Occupation Certificate/ Final Compliance Report** the applicant shall construct a 2.5-metre wide, shared concrete footpath along Clifton Boulevard for the full frontage of the subject allotment. Shared path construction is to include appropriate infrastructure to ensure safe movements are available for pedestrians crossing the road. Construction works are to comply with Council's *Engineering Guidelines – Subdivisions and Development Standards* and Council's *Pedestrian and Bicycle Strategy – May 2018*.~~

Commented [LS14]: Condition removed as per Applicant's request

On-Going Requirements

The following conditions or requirements must be complied with at all times, throughout the use and operation of the development.

47.40. Outdoor Advertising & Signage

No advertising matter or signage is to be erected, painted or displayed without the prior consent of Council unless it is "Exempt Development". Council's road reserve and nature strip is to be clear of all advertising material at all times.

48.41. Outdoor lighting

Any outdoor display and/or security lighting is to be so located or shielded so that no additional light is cast on adjoining land or that it will distract traffic.

49.42. 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 safety statement for the building, which;

- (a) must deal with each essential fire safety measure in the building premises, and
- (b) must be given:
 - i within 12 months after the date on which an annual fire safety statement was previously given, or
 - ii 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.

50.43. Maintenance of Onsite Detention System

The onsite detention system constructed as part of the subject Development Application is to be maintained for the lifetime of the subject development.

51.44. Noise

The use of the premises shall comply with the requirements of the Environmental Protection Authority's Noise Policy for Industry 2017 and shall not give rise to the transmission of offensive noise as defined in the Protection of the Environment Operation Act 1997 (NSW).

Any event must be organised and operated so as not to cause offensive noise. In this regard:

Speakers must be oriented to direct noise away from neighbouring residential properties, where practicable;

Bass from an amplified sound system must be minimised. In this regard, the persons responsible for amplified sound must ensure that the bass (low frequency) noise levels are adjusted so that they are set around 125Hz – 250Hz; and

The use of any public address system must be minimised and running commentaries after 6pm are not permitted by any persons other than the event organisers or performers.

The event organiser must prepare a Noise Management Plan that addresses the above requirements. The Noise Management Plan, including the name and contact number for the person responsible for the event must be submitted to Council at least two days prior to the event.

45. Hours of operation

62. The hours of operation are limited to the hours set out in the table below:

School Hours:

Monday to Friday – 7:00am to 5:00pm

Weekends, or Special Events

Monday to Friday – Up to 9:00pm

Saturday – 7:00am to 9:00pm

Sunday – 8:00am to 3:00pm

Days	Time Period
Mondays to Fridays	School hours
Saturdays / Weekends / Special Events	Finish by 10:00pm

Any alteration to these hours will require a modification to this consent or a separate development application.

Commented [LS15]: Condition modified as per Applicant's request

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Attachment C – Advisory Notes

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2021*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 4.16 of the Act.

(1) Essential Energy

- a) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- b) Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure. <https://energy.nsw.gov.au/sites/default/files/2018-09/ISSC-20-Electricity-Easements.pdf>
- c) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).
- d) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Attachment D – Other Council Approvals and Consents

Section 68 Local Government Act 1993 Approvals

This consent includes the following approvals under Section 4.12 of the *Environmental Planning and Assessment Act 1979* and Section 68 of the *Local Government Act 1993*.

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