

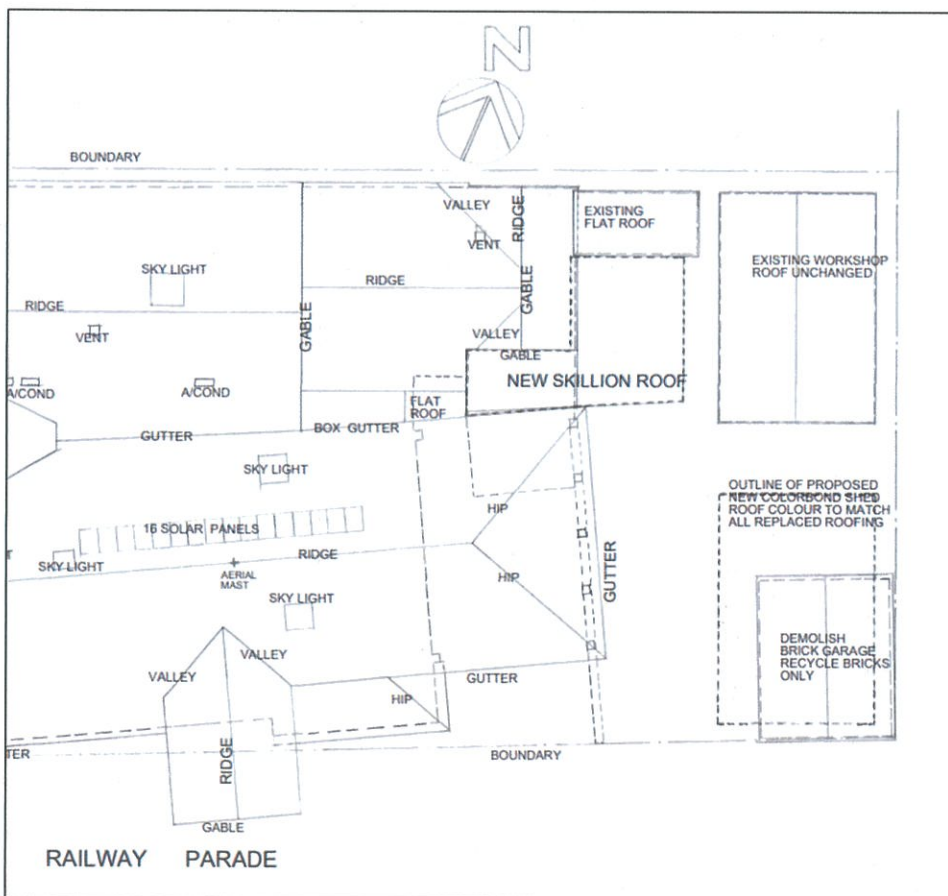
DEVELOPMENT ASSESSMENT REPORT – DA254/21 - PROPOSED ALTERATIONS AND ADDITIONS TO A COMMUNITY FACILITY, LOT 19 SEC 53 DP 9485 AND LOT 20 DP 9485, PADLEY STREET, LITHGOW

1. PROPOSAL

Council is in receipt of a Development Application DA254/21 from LINC for a alterations and additions to a community building on land known as Lot 19 Sec 53 DP 9485 and Lot 20 DP 9485, Padley Street, Lithgow.

The proposal involves the demolition of an existing brick shed at the corner of Railway Parade and the side lane. The existing shed will be replaced with a larger colorbond shed measuring 9m by 6m. The shed will have Paperbark coloured wall iron and Woodland Grey coloured roofing iron. A brick pier and colorbond panel fence (Paperbark) is proposed along part of the boundary of the land to Railway Parade and the laneway.

The proposal also involves the replacement of existing concrete pads, internal alterations, addition of a new skillion roof, the provision of new cool rooms and freezers and the replacement of the existing red roofing iron and gutters with Woodland Grey roofing iron. Plans of the proposed new shed and fence and the other alterations are provided below.



Site plan showing proposed new shed and new skillion roof

2. SUMMARY

To assess and recommend determination of DA254/21 with recommendation for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 19 Sec 53 DP 9485 and Lot 20 DP 9485
Property Address : Padley Street LITHGOW NSW 2790

The location of the proposal is shown in the map below:



Previous Development Approvals

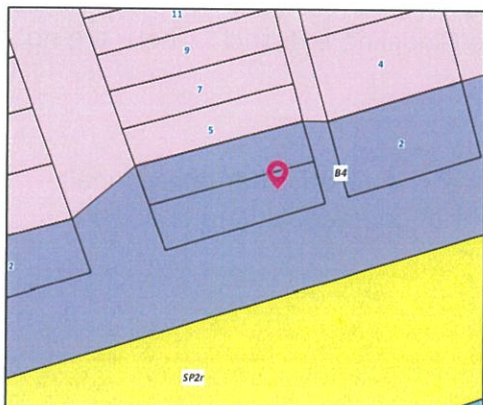
BA 24/92 – Bus Shelter

DA133/00 – Alterations and Additions, including new entry canopy, laundry and disabled toilet.

DA/CC 564/03 – Alterations and Additions, being new coolroom and freezer

4. ZONING

The land is zoned B4 Mixed Use in accordance with the *Lithgow Local Environmental Plan 2014* (LEP).



5. PERMISSIBILITY

The proposed use is defined as alterations and additions to a community facility (defined below) which is permitted with consent on land zoned B4 Mixed Use under the LEP provisions.

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

5.1 POLICY IMPLICATIONS (OTHER THAN DCPs)

Lithgow Community Participation Plan

The Lithgow Community Participation Plan applies to all land within the Lithgow Local Government Area (LGA) and prescribes certain types of development as exempt from requiring notification. The proposed development is not exempt and was therefore notified to surrounding landowners.

Policy 7.6 Development Applications by Councillors and Staff or on Council Owned Land

This Policy requires development applications relating to Council owned land to be referred to Council for consideration and determination.

5.2 FINANCIAL IMPLICATIONS

Section 94A (Section 7.12) Development Contributions Plan 2015

Council's Section 94A (Section 7.12) Development Contributions Plan 2015 **does not** apply to this development given it is for alterations and additions to an existing community facility with no intensification of uses proposed.

5.3 LEGAL IMPLICATIONS

Conveyancing Act 1919

There are no easements or covenants affecting the land.

Coal Mine Subsidence Compensation Act 2017

The subject land is located in the mine subsidence Guideline 8 district. There are no building requirements for this district.

Local Government Act 1993

The subject land is owned by Lithgow City Council and is classified as operational land. There are no restrictions on the development of operational land under the Local Government Act 1993.

Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

5.3.1 Any Environmental Planning Instruments

Lithgow Local Environmental Plan 2014

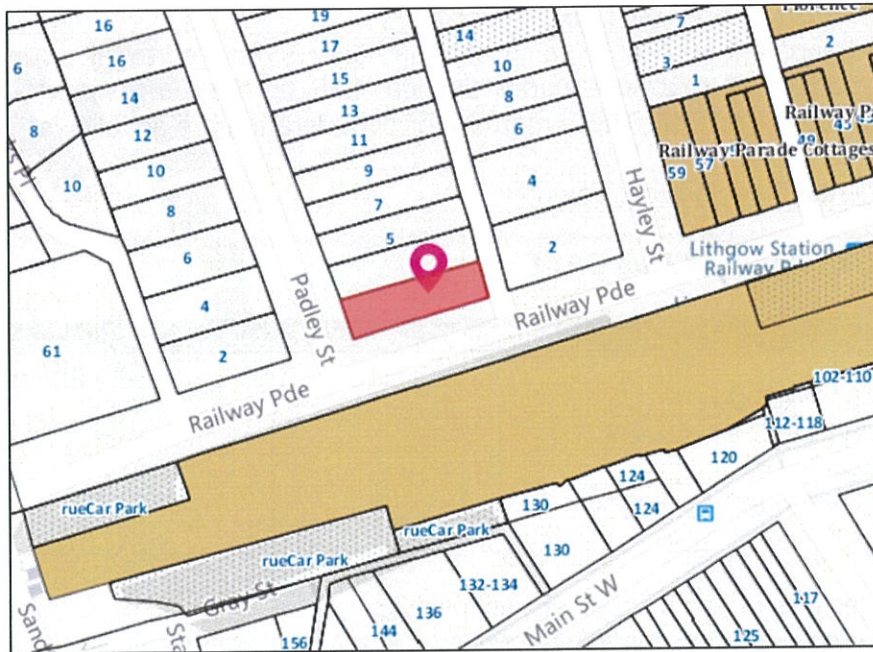
LEP 2014 – Compliance Check		
Clause		Compliance
Land Use table	B4 Mixed Use	Yes
5.10	Heritage Management	Yes
7.1	Earthworks	Yes
7.3	Stormwater management	Yes
7.10	Essential Services	Yes

Comment: The objectives of the B4 zone are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To promote development that does not detract from the role of the town centre core commercial precincts.*
- *To promote the retention and reuse of heritage items as well as the retention of established buildings that contribute positively to the heritage and cultural values of lands at Portland.*
- *To maintain or improve the water quality of receiving water catchments.*

The proposed development is consistent with the objectives of the zone as it involves alterations and additions to an existing community facility. The site is in a location easily accessible to public transport. The use does not detract from the core commercial role of the Lithgow Town Centre. The site does not contain a heritage item, however the visual impact of the proposed new shed and fence has been assessed and is considered acceptable. In particular the use of recycled brick for the piers in the fence and the muted colours of the colorbond panels and for the shed (paperbark and woodland grey) are considered to contribute positively to the streetscape. The proposal will have a neutral impact on water quality.

Clause 5.10 – Heritage Management – The subject land does not contain a heritage item and is not in a heritage conservation area. The site is however in close proximity to a heritage item (Lithgow Railway Station Group and Residence) across Railway Parade, land that is also in a heritage conservation area, as shown in the map below.



The subject land is at a visible location along Railway Parade and the building on site, while not itself a heritage item, is significant in the streetscape. Brick facades are a common feature of the streetscape.

The proposal involves the demolition of the existing brick shed and replacement with a larger colorbond shed with a 900mm setback off the property boundaries. A new brick pier and colorbond panel fence is proposed on the boundary. The proposal involves the use of recycled brick for the piers in the fence and muted colours for the shed, the colorbond panels and the main building roof (paperbark and woodland grey). The existing streetscape contains a mix of roofing materials and colours. The combination of the setback, materials and colour in the proposal are considered to contribute positively to the streetscape and will have no significant impact on the adjoining heritage item or conservation area.

Clause 7.1 – Earthworks – Minimal earthworks for laying new concrete slabs is proposed. These earthworks will have no detrimental environmental impacts.

Clause 7.2 – Stormwater Management – Stormwater from roofed and sealed areas will be connected to the existing street system.

Clause 7.10 – Essential Services – The site is connected to all available services.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

NorBE Assessment

General Information

DA number	DA254/21
Assessing officer	Mark Hitchenson
Council	Lithgow City
Development class	Farm building/shed without on-site wastewater

Lot	Section	Plan
20		9485

Date of assessment **2/1/2022**

Assessment Summary

NorBE status	Determined		
System outcome	Satisfied	User outcome	Satisfied
SCA concurrence outcome			
Determination outcome	Granted	Determination date	2/1/2022

Pre-Assessment

Located within Sydney drinking water catchment?	Yes
Is development consistent with any existing SCA S88 instruments on title?	N/A
Crown perpetual leasehold land?	No
Water quality impact ?	No
Documentation is complete?	Yes
Does Water Cycle Management Study meet SCA/Council requirements?	Yes

State Environmental Planning Policy No 55—Remediation of Land

The subject land has a history of commercial and community use. There is no evidence of any previous use that could have caused contamination. The proposal is not changing the existing use of the premises. The proposal is considered suitable for the site.

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Nil.

5.3.3 Any Development Control Plan

Development Control	Assessment Comments
Chapter 2 – Site Requirements	
2.2 Site Analysis, Local Character & Context	
2.2.1 Site Selection	The site is suitable for the proposal, being an existing community facility. The layout and design will have no significant impacts on the environment and on other land uses in the vicinity of the site.
2.2.2 Site Analysis & Development Response	The proposed alterations and additions are relatively minor in the context of the existing development on the site. The proposal will cause no land use conflicts and will have a positive impact on the streetscape.
2.2.3 Local Character & Context	The proposed use of recycled brick in the fence piers is a positive contribution to local character and the site context.

2.2.4 Visually Prominent Sites	<p>The proposal is located on a visually prominent corner across from a heritage item and heritage conservation area.</p> <p>The setback and design of the shed and the mix and colour of materials, including recycled brick in the fence are considered appropriate design treatments for this visually prominent site.</p>
2.2.5 Reflective Materials	The proposal does not involve the use of reflective materials.
2.3 Slope Response, Earthworks and Retaining Walls	
2.3.1 Earthworks	Minimal earthworks for laying new concrete slabs is proposed. These earthworks will have no detrimental environmental impacts.
2.3.2 Retaining Walls	A retaining wall along the laneway boundary and part of the Railway Parade frontage as part of the fence design is proposed. An appropriate condition is recommended.
2.4 Stormwater Management	Stormwater from roofed and sealed areas will be connected to the existing street system.
2.4 Vehicle Access & Parking	
2.5.1 Guidelines & Standards	Not applicable.
2.5.2 Vehicle Access & Driveways	The proposal does not change existing vehicular access to the premises.
2.5.3 Loading/Unloading, Delivery & Servicing Facilities	The proposal does not change existing loading or unloading facilities at the premises.
2.5.4 Parking Location, Design & Circulation	Not applicable.
2.5.5 On-Site Parking Numbers	The DCP requires parking for community facilities at a rate of 1 space per 10m ² of gross floor area (GFA) or 1 space per 4 seats, whichever is greater. The definition of gross floor area excludes plant rooms and loading and unloading areas.

	<p>As the additional floor space proposed is for plant and storage purposes, it is considered that no additional on-site car parking is required or warranted for the development.</p> <p>However, the proposed development does reduce the space currently available on site for car parking, due to the larger size of the shed and the increased setback from the laneway.</p> <p>There is currently room for three parking spaces (two in a tandem arrangement). The proposed will reduce this to two spaces (in a tandem arrangement).</p> <p>The site has a long frontage to Railway Parade, and frontage to Padley Street and the side lane. There is also significant public parking available on the other side of Railway Parade.</p> <p>The loss of one existing on-site parking space to accommodate the larger storage shed is considered acceptable in the circumstances.</p>
2.5.6 Exemptions to Off-Street Car Parking Requirements	Not applicable.
2.5.7 Bicycle Parking	Not applicable.
2.6 Pedestrian Access, Mobility & Safety	
2.6.1 Accessibility	While the proposed alterations and additions relate to plant and storage areas, not areas that will be accessible by community members, the proposal has been designed to be accessible for all.
2.6.2 Pedestrians	Not applicable.
2.6.3 Street Numbering & Letterboxes	Not applicable.
2.7 Designing for Crime Prevention	
2.7.1 Crime Risk Assessment	While the proposed development is not of a kind that requires a Crime Risk Assessment, the proposed alterations and additions do not raised concerns in relation to the risk of crime.
2.8 Utilities, Easements & Infrastructure	

2.8.1 Connection to Utilities	The site is connected to all available utilities.
2.8.2 Building Near Utilities/Easements/Drainage Lines	Not applicable.
2.8.3 On-Site Sewage Management	Not applicable.
2.8.4 Liquid Trade Waste	Not applicable.
2.8.5 Re-Use of Waste Water	Not applicable.
2.8.6 Water Supply	Not applicable.
2.9 Solid Waste Management	
2.9.1 Hazardous Materials & Asbestos	Not applicable.
2.9.2 Solid Waste Management Plan – Larger Developments	Not applicable.
2.9.3 Waste Storage & Collection – Larger Developments	Not applicable.
2.10 Amenity/Buffers for Sensitive Uses	
2.10.1 Noise & Vibration	The proposal involves the provision of a new cool room and freezer. The location of plant is designed to have minimal impact on adjoining properties through shielding by existing buildings.
2.10.2 Air Emissions, Odour & Dust	Not applicable.
2.10.3 Buffers to Sensitive Land Uses	Not applicable.
2.10.4 Buffers & Landscaping	Not applicable.
2.10.5 Agriculture & Right to Farm	Not applicable.
2.11 Water & Energy Efficiency	Not applicable.

Development Control	Assessment Comments
Chapter 3 – Natural Environment & Hazards	
3.2 Bush Fire Prone Land	Not applicable.
3.3 Biodiversity & Vegetation Clearing	Not applicable.
3.4 Land & Soils	The proposal involves minimal earthworks and will therefore have no significant impact on land or soils.
3.5 Flood Prone Land	Not applicable.

3.6 Ground & Surface Water Protection	The proposal will have a neutral impact on groundwater and will not increase surface water runoff as the whole of the area is already sealed or roofed.
3.7 Mine Subsidence Risk	The subject land is located in the mine subsidence Guideline 8 district. There are no building requirements for this district.

Development Control	Assessment Comments
Chapter 7 – Commercial, Community & Industrial Uses (& Advertising & Signage for all relevant uses)	
7.2 General Controls	
7.2.1 Site Analysis & Potential Land Use Conflicts	The proposed alterations and additions are relatively minor in the context of the existing development on the site. The proposal will cause no land use conflicts and will have a positive impact on the streetscape.
7.2.2 Open (Outdoor) Storage, Utility, Waste & Service Areas	Not applicable.
7.2.3 Landscaping & Tree Protection	Not applicable.
7.2.4 Fencing	The design, style, materials and height of the proposed fence along part of Railway Parade and the laneway is considered appropriate for the location.
7.2.5 Ancillary Dwelling(s)	Not applicable.
7.4 Commercial & Community Uses	
7.4.1 Key Business Precinct Character Statements	The proposal is considered appropriate having regard to the B4 zone character statement as the existing community use does not detract from the core commercial role of the Lithgow Town Centre.
7.4.2 Building Setbacks (General)	The streetscape has a predominant zero setback. The existing garage to be demolished has a zero setback. The proposed new shed will have a 900mm setback with a brick and colorbond panel fence to be provided on the boundary. Given the change to a colorbond shed, a 900mm setback is appropriate and the design, style and materials of the proposed fence on the

	boundary is considered a good solution to matching the predominant zero setback in the streetscape.
7.4.3 Setbacks – Zone B2 Local Centre	Not applicable.
7.4.4 Setbacks – Zone RU5 Village	Not applicable.
7.4.5 Setbacks – Other Business Zones or Areas	See 7.4.2 above.
7.4.6 Building Height, Bulk & Form	The height, bulk and form of the proposed development is generally consistent with the existing development on the site and is considered acceptable.
7.4.7 Building Design, Articulation & Facades	
7.4.8 Structures over Public Footpaths/Roads (Awnings & Balconies)age	Not applicable.
7.4.9 Food Premises	Not applicable.

5.3.4 Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4?

No.

5.3.5 Any matters prescribed by the regulations that apply to the land

Council's Building Officer has reviewed the proposal and advised that, given their minor scale, peripheral location and lack of integration with the main floor layout, the proposed alterations to the main administration building will not adversely impact on the level of existing fire safety awareness and/ or fire safety measures currently in place. Therefore no specific fire safety upgrading requirements are proposed in relation to the existing building.

5.3.6The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Adjoining Landuse: The site is located in a mixed commercial, community and residential area. The layout and design will have no significant impacts on the adjoining land uses.

Context and Setting: The proposed development will be located within an established residential area and will have no major impact on the context and setting of the area. The development has been designed to complement existing features of similar development in the area.

Access: The proposal does not affect existing vehicular access to the premises.

Heritage: The subject land does not contain a heritage item and is not in a heritage conservation area. The site is however in close proximity to a heritage item (Lithgow Railway Station Group and Residence) across Railway Parade, land that is also in a heritage conservation area. The subject land is at a visible location along Railway Parade and the building on site, while not a heritage item, is significant in the streetscape. Brick facades are a common feature of the streetscape.

The proposal involves the demolition of the existing brick shed and replacement with a larger colorbond shed with a 900mm setback off the property boundaries. A new brick pier and colorbond panel fence is proposed on the boundary. The proposal involves the use of recycled brick for the piers in the fence and muted colours for the colorbond panels and shed (paperbark and woodland grey). The existing streetscape contains a mix of roofing materials and colours. The combination of the setback, materials and colour in the proposal are considered to contribute positively to the streetscape and will have no significant impact on the adjoining heritage item or conservation area.

Social and Economic Impact: As the proposed development will be generally in keeping with the provisions of the planning instrument and is reasonably compatible with other similar development in the locality, it is expected a generally positive social and economic impact will result.

Soils: With minimal excavation required, there will be no detrimental impacts on soils. The land is unlikely to be affected by contamination. Erosion and sediment controls will be implemented during construction.

Water: The proposal will have a neutral impact on water quality. Stormwater from roofed and sealed areas will be directed to the existing street system.

Air and Microclimate: The proposal will have no detrimental impacts on air quality or microclimate.

Natural Hazards: The subject land is not bushfire or flood prone.

Noise and Vibration: The proposal involves the provision of a new cool room and freezer. The location of plant is designed to have minimal impact on adjoining properties through shielding by existing buildings.

5.3.7 The Suitability of the site for the development

The surrounding land uses are for a mix of residential, commercial and community pursuits with the size and nature of the development consistent with those in the surrounding area. The development will have minimal impact to the surrounding amenity. The proposed development complies with the objectives of the zone and the site is considered to be suitable for the proposal.

5.3.8 Any submissions made in accordance with this Act or the Regulations

Building Officer

Council's Building Officer has reviewed the proposal and recommended conditions of consent, included in Schedule A.

PUBLIC SUBMISSIONS

No public submissions were received.

5.3.9 The public interest

The public interest is best served by the orderly and economic use of land for permissible uses and that does not impact unreasonably on the use and development of surrounding land.

The proposal is considered to be in the public interest as it facilitates the ongoing operations of an important community facility for the Lithgow community.

6. DISCUSSION AND CONCLUSIONS

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

7. ATTACHMENTS

Schedule A- Conditions of consent.

8. RECOMMENDATION

THAT development application DA254/21 is approved subject to conditions set out in Schedule A.

Report prepared by: Mark Hitchenson

Supervisor: Lachlan Sims

Signed: 

Signed: 

Dated: 

Dated: 

REASONS FOR CONDITIONS

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure there is no unacceptable impact on the water quality.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

Schedule A

Conditions of Consent (Consent Authority)

Please Note: It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

ADMINISTRATIVE CONDITIONS

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.

Plan No.	Plan Name	Rev	Date
210702/1 1/6	Existing Site Layout		02/07/21
210702/1 2/6	Proposed Roof and Box Gutter Replacement		02/07/21
210702/1 3/6	Proposed Demolition and Waste Management Plan		02/07/21
210702/1 4/6	Proposed Fridge/Freezer Addition		02/07/21
210702/1 5/6	Proposed Storage Shed		02/07/21
210702/1 5/6	Drainage Diagram		02/07/21
	Proposed New Colorbond Metal Storage Shed		02/02/22
	Proposed & Existing Colour and Material Schedule		undated

2. **Building regulations**
All building work must be carried out in accordance with the requirements of the Building Code of Australia.

CONDITIONS APPLYING BEFORE WORKS COMMENCE

3. **Regulatory compliance**
Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
 - a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
 - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
 - c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
4. **Signage**
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, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

5. 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 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.

Note. Clauses 2.67 and 2.68 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

6. Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin, and must be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must—
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - (c) be a temporary chemical closet approved under the Local Government Act 1993.

7. Waste management

- (1) A waste management plan for the work must be prepared before work commences on the site.
- (2) The waste management plan must—
 - (a) identify all waste (including excavation, demolition and construction waste material) that will be generated by the work on the site, and
 - (b) identify the quantity of waste material, in tonnes and cubic metres, to be—
 - (i) reused on-site, and
 - (ii) recycled on-site and off-site, and
 - (iii) disposed of off-site, and
 - (c) if waste material is to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
 - (d) if waste material is to be disposed of or recycled off-site—specify the contractor who will be transporting the material and the waste facility or recycling outlet to which the material will be taken.
- (3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (4) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

8. Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by—

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and

- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

CONDITIONS APPLYING DURING THE WORKS

9. Standard hours for construction

Construction may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.

10. Works outside standard hours for construction

- (1) Work may be carried out outside the standard hours for construction if the work only generates noise that is—
 - (a) no louder than 5 dB(A) above the rating background level at any adjoining residence in accordance with the Interim Construction Noise Guideline (ISBN 978 1 74232 217 9) published by the Department of Environment and Climate Change NSW in July 2009, and
 - (b) no louder than the noise management levels specified in Table 3 of that guideline at other sensitive receivers.
- (2) Work may be carried out outside the standard hours for construction—
 - (a) for the delivery of materials—if prior approval has been obtained from the NSW Police Force or any other relevant public authority, or
 - (b) in an emergency, to avoid the loss of lives or property or to prevent environmental harm.

11. Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the development consent relates.

12. Demolition

Any demolition must be carried out in accordance with AS 2601—2001, The demolition of structures.

13. Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Copies of receipts stating the following must be given to the principal certifying authority—
 - (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.
- (4) 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.
- (5) 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.
- (6) At the completion of the works, the work site must be left clear of waste and debris.

14. **Earthworks, retaining walls and structural support**
- (1) Any earthworks (including any structural support or other related structure for the purposes of the development)—
 - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and
 - (d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.
 - (2) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442 [PDF] and ISBN 978-0-642-785459 [DOCX]), published in July 2012 by Safe Work Australia.
15. **Drainage connections**
- (1) If the work is the erection of, or an alteration or addition to, a building, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.
 - (2) Any approval that is required for connection to the drainage system under the Local Government Act 1993 must be held before the connection is carried out.
16. **Food Premises**
- The proposed cool room / freezer addition should comply with AS4674-2004: Design, construction and fit-out of food premises.
17. **Archaeology discovered during excavation**
- If any object having interest due to its age or association with the past is uncovered during the course of the work—
- (a) all work must stop immediately in that area, and
 - (b) the Office of Environment and Heritage must be advised of the discovery.
- Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further the work can continue.*
18. **Aboriginal objects discovered during excavation**
- If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—
- (a) all excavation or disturbance of the area must stop immediately in that area, and
 - (b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974.
- Note. If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.*
19. **When a survey certificate is required**
- (1) If any part of the work is the erection of a new building, or an alteration or addition to an existing building, that is located less than 3m from the lot boundary, a survey certificate must be given to the principal certifying authority—
 - (a) before any form work below the ground floor slab is completed, or

- (b) if there is no such form work—before the concrete is poured for the ground floor slab.
- (2) The survey certificate must be prepared by a registered land surveyor and show the location of the work relative to the boundaries of the site.

CONDITIONS APPLYING BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

20. Utility services

- (1) If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.
- (2) If the work is the subject of a notice of requirements for water supply or sewerage services (or both) by a water utility or an entity authorised by the utility, the work must be satisfactorily completed and any monetary contributions required to be paid to the relevant water supply authority must be paid before the occupation certificate is issued.

21. Mechanical ventilation systems

If the work includes a mechanical ventilation system that is a regulated system within the meaning of the Public Health Act 2010, the system must be notified as required by the Public Health Regulation 2012, before an occupation certificate (whether interim or final) for the work is issued.

22. Fire Safety

Upon completion of the building (work) and prior to issue of an Occupation Certificate, the performance of any fire safety measures relevant to such work (as nominated by any current Fire Safety Schedule) must be assessed and verified by an accredited practitioner (fire safety) who is engaged by the owner. Certification is to be submitted to Council stating that the fire safety measures have been installed and comply with the relevant performance standard specified by that Schedule.

OPERATIONAL REQUIREMENTS

23. Hours of operation

- (1) If there are existing conditions on a development consent applying to hours of operation, the development must not be operated outside the hours specified in those conditions.
- (2) If there are no existing conditions on a development consent applying to hours of operation, the development must not be operated outside the following hours—
 - 7.00 am to 7.00 pm Monday to Saturday, and
 - 9.00 am to 6.00 pm Sunday or a public holiday.

24. Noise

- (1) The development must comply with the requirements for industrial premises contained in the Noise Policy.
- (2) Noise emitted by the development—
 - (a) must not exceed an L_A (15 min) of 5dB(A) above background noise when measured at any lot boundary of the property where the development is being carried out, and
 - (b) must not cause the relevant amenity criteria in Table 2.1 in the Noise Policy to be exceeded.
- (3) In this clause, the Noise Policy means the document entitled NSW Industrial Noise Policy (ISBN 0 7313 2715 2) published in January 2000 by the Environment Protection Authority.

25. **Lighting**

- (1) All new external lighting must—
 - (a) comply with AS 4282–1997 Control of the obtrusive effects of outdoor lighting, and
 - (b) be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.
- (2) Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 Lighting for roads and public spaces.

26. **Use of driveways and parking areas**

- (1) All driveways and parking areas must be unobstructed at all times.
- (2) Except as otherwise permitted by an existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises, driveways and car spaces—
 - (a) must not be used for the manufacture, storage or display of goods, materials or any other equipment, and
 - (b) must be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

27. **Landscaped area (planting and maintenance)**

All landscaped areas on the site must be maintained on an on-going basis.

28. **Annual Fire Safety Statement**

Once the building is occupied, an Annual Fire Safety Statement must be submitted to Council and to Fire & Rescue NSW, Locked Mail Bag 12, GREENACRE NSW 2190, with a copy retained on site certifying that:

- (i) The fire and other safety measures have been maintained so as to meet the original performance design standard required; and
- (ii) That the path of travel is clear of anything which would impede free passage of any person at any time.

