

Item 12.9 Planning Application PA 2017/6447 - Use and development of land for a 3 storey mixed use commercial building, comprising of 3 apartments, child care centre, office, food and drink premise, basement car parking, and a reduction in the car parking requirements At 17 Scott Street

Appendix 6 Conditions on Notice of Decision to Grant a Permit - undated

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#### Appendix 6 – Conditions on Notice of Decision

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) Additional schematic details of the '1.7m vertical aluminium batten/screen' for the Balcony of Apartment 3. The additional details must clearly demonstrate that screen would prevent overlook.
  - (b) A note and details indicating that a red-green warning light system will be installed for the basement car parking area. The location of the red-green warning light system must not impact on the swept path.
  - (c) The headroom for the basement (shown on the ramp section gradient) is to be increased from 2150mm to 2200mm.
2. Before the development starts, engineering plans and relevant design calculations for the proposed development must be submitted to the Responsible Authority. The engineering plans shall, as a minimum, comprise of the layout plan, the drainage plans, signage and line marking plans, pavement design plans and, where applicable, street lighting plans. All works within the site shall remain the property of the lot owner, except where it is located in an easement, and be maintained by the lot owner to the satisfaction of the Responsible Authority.
3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. The amount of hydrocarbon and other oil based contaminants discharged to Council drains must not exceed 5 parts per million.
5. Before the development starts, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit.
6. The Childcare Centre may operate only between the hours of:
  - 6:00AM – 6:00PM (Monday – Friday)The hours must not be varied, changed or extended without the written consent of the Responsible Authority.
7. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
8. External lighting must be turned off within 30 minutes after the Childcare Centre closes for the day.
9. Not more than 33 children may be present on the Childcare Centre at any one time without the written consent of the Responsible Authority.

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10. Stormwater must not be discharged from the site other than by means of an underground pipe drain discharged to a legal point of discharge to the satisfaction of the Responsible Authority.
11. All pedestrian access to buildings must be designed and constructed to comply with the Disability Discrimination Act.
12. All associated works related to the development that encroaches into any road reserve shall require the approval of the Responsible Authority.
13. All works associated with the development that is retained as the responsibility of the owner of the site to upkeep must be maintained in perpetuity to a standard that is to the satisfaction of the Responsible Authority. Otherwise rectification works at the direction of and to the satisfaction of the Responsible Authority must be undertaken within a timeframe as directed by the Responsible Authority.
14. Businesses handling food intended for sale and/or is involved in the safe of food must be registered under the *Food Act 1984* through Council's Environmental Health Unit prior to trading. Food businesses must adhere to the *Food Act 1984* and Australian New Zealand Food Standards Code.
15. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.
16. The following must be undertaken to the requirements and satisfaction of the Responsible Authority prior to the occupation of the buildings hereby permitted:
  - (a) The development must be completed in accordance with the endorsed plans.
  - (b) Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
    - (i) Constructed.
    - (ii) Properly formed to such levels that they can be used in accordance with the plans.
    - (iii) Sealed with a concrete or asphalt surface.
    - (iv) Drained.
    - (v) Line marked to indicate each car space and all access lanes.
    - (vi) Clearly marked to show the direction of traffic along access lanes and drivewaysto the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.
  - (c) The development is connected to reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
  - (d) Any existing works affected by the development works shall be reinstated at no cost and to the satisfaction of the Responsible Authority.

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17. Construction activities must be managed so that the amenity of the area is not detrimentally affected, through the:
- (a) Transport of materials, goods or commodities to or from the land.
  - (b) Inappropriate storage of any works or construction materials.
  - (c) Hours of construction activity.
  - (d) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
  - (e) Presence of vermin.
  - (f) In any way as determined by the Responsible Authority.
18. The use and development must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected, through the:
- (a) Transport of materials, goods or commodities to or from the land.
  - (b) Appearance of any building, works or materials.
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) Presence of vermin.
  - (e) In any way as determined by the Responsible Authority.
19. This permit will expire if one of the following circumstances applies:
- The development is not commenced within two years of the date of this permit.
  - The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made, in writing, before or within six months of the relevant expiry date.

NOTES:

- The building must comply with the Building Regulations and the Building Code of Australia.
- All drains contained within the allotment, except in drainage easements, shall remain the property of the landowners and shall not be taken over by Council for future maintenance.
- All vehicle pathways contained within the allotment, other than stated in this permit, shall remain the property of the landowners and shall not be taken over by Council for future maintenance.
- The permit-holder must also obtain all necessary approvals from the Department of Education and Training, and meet the Education and Care Services National regulations.
- Please note that private waste collection will need to be provided.