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Ku·ring·gai Council

**Contact**: Bonnie Yue

6 December 2021

Director Social and Infrastructure Assessments,
Planning and Assessment, Department of Planning,
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Dear Nahid Mahmud,

Thank you giving Ku-ring-gai Council the opportunity to provide a submission for Application No. SSD-17424905 (Pymble Ladies Collage – Grey house Precinct) at 20 Avon Road, Pymble. Council's comments in relation to the proposal are as follows:

## 1. Strategic Context

- The Environmental Impact Statement has considered the strategic planning framework with assessment provided against the key policies being:
    - *The Greater Sydney Region Plan – A Metropolis of Three Cities* – The proposal is consistent with the GSRP objectives relating to provision of services and infrastructure to meet communities changing needs and schools are identified as essential local infrastructure.
    - *North District Plan* – The proposal is consistent with the North District Plan planning priority relating to providing services and social infrastructure to meet peoples changing needs. The North District Plan notes that an extra 21,900 students will need to be accommodated in both government and non-government schools in the North District by 2036, with Ku-ring-gai one of the highest projected areas of growth (+5,733).
    - *Ku-ring-gai Local Strategic Planning Statement* – The proposal is consistent with the infrastructure and social planning priorities of the KLPS. In terms of economic planning priorities, the LSPS highlights that the education sector contributes significantly to the employment and local economy within Ku-ring-gai, with education and training providing for 19% of local employment within Ku-ring-gai. However, one of the key challenges is that while these institutions (private schools) are large employers within Ku-ring-gai, Council needs to manage the impacts of their future growth on the surrounding areas, particularly adjoining residential areas and infrastructure such as roads.
    - *Draft Ku-ring-gai Housing Strategy* – It is noted that the proposal does not include any dwellings/student accommodation.
    - *Ku-ring-gai Community Strategic Plan* – The EIS suggests that the proposal would provide benefits to the wider community through opening some of the proposed facilities for community use. It seems like most of the elements of the proposal (Junior School Classrooms, STEM labs, Health and Wellbeing facilities and the ELC) are either for the exclusive use of students or to be mostly occupied by children of staff. The statements throughout the EIE about benefits to the broader community may be overstated.

## 2. Ku-ring-gai DCP

- SEARs includes a requirement to address the relevant planning provisions in the Ku-ring-gai DCP. The EIS (4.23) notes that provisions of the DCP are not applicable to the proposal but as per the requirement of the SEARs, an assessment of the proposal against the relevant provisions of the

KDCP has been included in the Compliance Table at Appendix 3. Assessment against the relevant provisions of the KDCP is missing.

## 3. Ecologically Sustainable Development

- Council's response to the draft SEARs encouraged the use of Green Building Council Australia Green Star rating and that for a development of this size and scale it should achieve a minimum 5 star Green Star (buildings) or equivalent.
- The proposal is supported by an ESD Report, which notes that the project will be designed to target an ESD level that is comparable to a 5 star Green Star Design and as built v1.3 Equivalent standard. The objectives of the Environmental Planning and Assessment Act include '*ecologically sustainable development*'. Unless there is a good reason not to adopt the Green Star pathway it is recommended that the Department require the use of this system for the design, construction and operation of the development.

## 4. Overshadowing impact

Page 85 of the EIS contains the following statement:

*As shown in the Shadow Diagrams (**Appendix 8**), no additional overshadowing of the adjoining properties would be created prior to 12pm midday on the Winter solstice. As such, the proposal would effectively maintain three (3) hours of solar access between 9am-12pm on the Winter solstice, thereby complying with KDCP.*

This statement is flawed for the following reasons:

The solar access requirements for a dwelling house are specified in Part 4 of the DCP, these requirements include:

3. *A building is to be designed and sited to maintain solar access to adjoining properties of at least 4 hours between 9am and 3pm on 21st June to north facing windows and all living areas (family rooms, rumpus, lounge and kitchen) and the principal private open space recreational areas, such as swimming pools and patios.*
4. *Dwelling design and orientation is to provide at least 4 hours between 9am and 3pm on 21st June to north facing windows and all living areas (family rooms, rumpus, lounge and kitchen) and the principal private open space including swimming pools and patios, to the proposed dwelling.*
5. *Where shadows cast by existing buildings preclude satisfying the above requirements, sunlight during winter solstice (21st June) should not be reduced by more than 20%.*

As the proposal predominantly impacts upon windows on the rear (north-western) elevations and rear private open space of adjacent dwelling houses the impacts upon these dwelling houses cannot be properly assessed using the plan view shadow diagrams that have been provided. A more detailed analysis of overshadowing impacts is required. Having regard to the scale of the proposal and the disparity in height between the proposed building and adjacent dwelling house it would be reasonable for the applicant to adopt the requirements of the Land and Environment Court Class 1 Practice Note which are set out below:

***Overshadowing plans are to:***

- *be based on true north;*
- *indicate the location and nature of existing and/or proposed fencing, with the shadows projected;*
- *indicate horizontal and vertical impact, including any impact from any substantial wall;*
- *provide a table of compliance and non-compliance with known criteria (such as a development control plan, a State environmental planning policy or Australian Model Code for Residential Development (AMCORD)); and*
- *make appropriate allowance for the topography.*

According to the planning principle for solar access *(The Benevolent Society v Waverley Council [2010] NSWLEC 1082)*, the ease with which sunlight access can be protected is inversely proportional to the density of development. There is a reasonable expectation that a dwelling in R2 zone and some of its open space will retain its existing sunlight. Once an adequate analysis of overshadowing impacts has been

received the reasonableness of the impact should be considered against the requirements of the DCP and the planning principle.

## 5. Height and bulk of the building


***Figure 1** – South-eastern elevation of the building in relation to the adjoining property in the R2 zone*

The proposed building is 5 storeys at the south-eastern elevation and is set back 11.5 metres to 14 metres from the south-eastern boundary. The properties adjoining the south-eastern boundary are mainly two storey dwellings within the R2 Low Density Residential zone. According to Part 2F of the Apartment Design Guide, when there is a change in zoning (in this case from SP2 to R2) building setbacks should be increased. This requirement in the Apartment Design Guide is also consistent with the planning principle regarding development at a zone interface (*Seaside Property Developments Pty Ltd v Wyong Shire Council [2004] NSWLEC 117*). While the Apartment Design Guide does not apply to the site, however the principles behind the AGD to ensure new development is appropriately scaled and providing amenity to adjoining properties including visual and acoustic privacy and sunlight should be adopted. The development is excessive in scale and is needed for transition in the built form to reflect the adjoining lower density development.

Principle 1 (context, built form and landscape) of the design quality principles under State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 states schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate. Principle 5 (amenity) requires schools to provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood; and Principle 7 (aesthetics) indicates school buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood. The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and sense of identity of the neighbourhood.

The proposal does not achieve the design quality principles as it is excessive in height and scale at the south-eastern (rear) elevation and results in overbearing visual and overshadowing impacts upon adjoining dwelling houses as seem above in Figure 1. Given the building is adjacent to a low density residential zone, the built form of the development should better relate to the context and be designed to avoid overshadowing by appropriate stepping of the building form and additional side setbacks at the upper levels.

## 6. Childcare Assessment Table

Page 2-17 of the Childcare Planning Guideline Assessment Table references an incorrect address.

## 7. Traffic and parking

- **Part 4.2 Crash History**

Unclear why the crash history on Avon Road and intersection Avon/Pymble/Everton was not considered.

- **Part 8.2 Proposed parking Provision**

  *"The College proposes to utilise the existing swim school spaces located in the Centenary Car Park. In order to accommodate an accessible space and its adjacent shared bay, two existing spaces will need to be replaced and result in a total of 37 parking spaces. This will provide 37 parking spaces (including one accessible space) for the ELC to be used during drop-off and pick-up.*

  *Drop-off for the ELC is expected to be between 7:00-7:30am whilst pick-up will be between 6:00-6:30pm. This will allow the ELC to operate in parallel with the OSHC and allow for working parents to drop-off/ pick-up their children before/after work. However, it is noted that drop-off and pick-up for ELCs are typically spread throughout several* hours, *particularly in the afternoon where there is an after-school and after-work peak."*

How does this work with co-curricular activities within the College grounds that take place between 6:30am to 8:00am and 3:00pm to 6:30pm Monday to Friday – is there a conflict, or are different areas used for the drop-off/pick up? Recent traffic counts in surrounding streets indicate that the AM peak occurs at 7am-8am, so there will likely be a cumulative impact to surrounding local roads by non-staff arrivals/departures to the ELC. This issue needs to be addressed.

- **Part 8.4 Overall Parking Impact**

In Section 3, Proposed Development, it is indicated that staff demand for ELC places could be upwards of 60 children. In this section though the impression given is that the wider community will be the main users, by the fact that in this section of the traffic impact assessment staff are not mentioned as the users. Presumably staff could park in their allocated spaces and walk their children to the ELC without needing to use the Centenary Car Park.

This is later clarified in Section 9.1 (TRAFFIC GENERATION), where it is noted that the number of children enrolled at the ELC who would contribute to additional traffic is expected to be less than 90 children due to the premise that the main intention of the ELC is to provide an on-campus early learning/child care centre for staff and based on staff survey results it is assumed that 42 children from staff members would be enrolled and would therefore not generate additional traffic.

Notionally, this should also reduce the parking demand in the Centenary car park as presumably staff could park in their allocated spaces and walk their children to the ELC without needing to use the Centenary Car Park. This has not been considered but should be clarified.

- **Part 9.3 SIDRA Assessment**

The intersection of Avon Road /Pymble Avenue/Everton Road should have also been considered and assessed in the Signalised & unsignalised Intersection Design and Research Aid (SIDRA assessment, particularly since there is a key pedestrian crossing and commuter drop-off/pick up areas in close proximity to the intersection. Also, consideration should be given to assessing impacts to the route between the site and the traffic signals on Pacific Highway and Beechworth Road (i.e. Avon Road/Arilla Road/Mayfield Avenue/Allawah Road/Beechworth Road), which has experienced gradual increases in traffic volumes over the years partly as a result of traffic movements from PLC.

- **10.0 Recommendations to reduce impact on Pymble Avenue**

  *"Install gate at Grey House Walk which can only be opened using a keycard, which can be distributed to local students (College to determine definition of 'local' students). This will reduce College traffic along Pymble Avenue;"*

The recommendation to install a gate at the entry to Grey House Walk, with keycard entry to local students may discourage some students from walking to school that way.

*"Work closely with Ku-ring-gai Council to implement timed parking along Pymble Avenue, with exception to permit holders. Permits can be made available to residents;"*

It should be noted that Council has a policy not to enter into Resident Parking Schemes or issue Resident Parking Permits.

The recommendation that Council consider timed parking restrictions on Pymble Ave near Grey House Walk with permits for residents is not supported by Council's Traffic and Transport Team. This would encourage parents to use this area for drop-off/ pick-up instead of the designated car park within the school grounds.

*"Investigate feasibility of providing remote drop-off and pick-up area (e.g. nearby park)."*

With regard to a remote pick-up/drop-off area, Council staff would require more information regarding possible locations to determine whether it would be feasible. There is also a possible issue with quarantining parking for the college in an area that is nowhere near the college.

*"It is noted that to reduce overall traffic and parking impact in the long term, students and staff will need to make greater use of sustainable travel options (public and active transport). Measures to achieve this are discussed in the Green Travel Plan"*

The ability for students to use active transport (cycling) is currently impacted by the fact that the College does not permit students to cycle to/ from the College campus for safety reasons. In reality though, the Road Rules state that children aged up to 16 years (i.e. the majority of students at PLC) are permitted to ride bicycles on footpaths, which are generally separated from traffic lanes on roads.

The Green Travel Plan sets targets for travel modes, with the objective to reduce the number of private vehicle trips and increase the uptake of alternative modes of transportation. One of the short term targets is to increase the use of public and active transport by students by 1% per year (i.e. increase public and active transport usage to approximately 30% of travel mode). To facilitate this, consideration should also be given to reviewing bicycle parking and bicycle support facilities (showers/change rooms/lockers etc) provision for students in this proposal, to encourage uptake of cycling. Also, a review of the access points into the site and the obstacles to cycling and walking (e.g. stairs, squeeze points etc) should be undertaken, so as not to discourage walking or cycling for students living within walking or cycling range from the school.

With regard to improving footpaths, pedestrian facilities and cycling facilities around the college, these would be prioritised along with cycling and pedestrian facilities throughout the LGA.

## 8. Green Travel Plan

- **7.1 Travel Plan Committee**

The Green Travel Plan has only recommended a Travel Plan Co-ordinator and a Bus Co-ordinator be key roles within the school Travel Plan Committee.

Council's Road Safety Officer suggested that an Active Travel Co-ordinator is also a key role as they would be responsible for creating/implementing/monitoring/evaluating Active Travel Programs encouraging increased walking/cycling/scootering to and from school.

- **6.0 Target Travel Mode**

*"Students*
*"Increase the use of private Bus Services by 1% per year…"*

The school should consider investing more heavily in this area and 1% of the school population per year is not meaningful or impactful.

It equates to 22 students in a school population of 2259 students plus 400 staff. This percentage should be reviewed/increased.

- **7.3 Recommended Initiatives**

The targets lacking in any reasonable level of ambition. More definitive actions are necessary, better bench marking/ timeline requires more detail. Without target dates reasonable and meaningful outcomes will not be achieved.

Consideration in the table must include: ***Implement on-going school Active Travel initiatives/programs***

In the table, there is a lack of detailed College-led active travel initiatives/programs regarding pedestrian/bike/scooter programs that could be implemented at the school. Raising road safety awareness, providing a TAG and only participating in one off events is not a sustainable way to increase regular active transport to and from school. There is no mention of community walking buses, incentivised student walking programs, weekly class/grade pedometer challenges, external providers implementing road safety courses etc. These should be included in this section.

The expertise and knowledge regarding these programs should be driven/conducted by the school's Active Travel Co-ordinator.

## 9. Landscape design report and Landscape package

The landscape report does not provided site wide details of the proposed site planting, including location, number and species of plantings, heights of trees at maturity and proposed canopy coverage to contribute to objectives to increase urban tree canopy cover.

The landscape package and arborist assessment do not provide evidence that opportunities to retain significant trees have been explored and/or informs the plan. Tree removal to accommodate the development footprint results in the removal of almost all trees within this area.

The proposal includes the removal of 29 of 30 trees including 2 trees (410 & 411) Eucalyptus microcorys, Tallowood, of high retention value, as they are in excess of 20m in height. Thirteen trees rated as having moderate retention value including a number of large and mature trees in excess of 15m tall (Trees 48 & 50), Eucalyptus microcorys, Tallowood in excess of 20m, Trees 400, 401, 404, 406 Quercus palustris, Pin Oak, Trees 392 and 393 Liquidambar styraciflua, Tree 50 Casuarina cunninghamiana are also to be removed.

These trees form an extensive canopied area within the current precinct. No specific discussion has been provided in relation to evidence that opportunities to retain significant trees have been explored and/or informs the plan either for the current precinct or within the larger property area.

New trees proposed as replacement include 4 tall locally occurring native trees Eucalyptus pilularis, Eucalyptus saligna, Syncarpia glomulifera, and 4 Corymbia citriodora a non-locally occurring native tree.

Thirteen medium sized exotic trees (Jarcaranda, Liriodendron and Harphephyllum, Zelkova sp.), 3 medium sized native trees (Glochidion ferdinandii) and 7 small native trees (Elaeocarpus reticulatus and Angophora hispida) are proposed.

Tree replenishment is supported, however the trees are located to the edge of the development footprint to the west, south and north, rather than being more evenly distributed as occurs at present. While the replacement species are appropriate in a general sense and will grow in this environment, the location and/or space provided for some of these trees is not considered to be satisfactory in relation to the long term sustainability of this planting. For example, the proposed 4 x Corymbia citriodora (Lemon Scented Gum) are located in what appears to be a narrow landscape strip adjacent the western edge of the site and minimally offset from the ELC play area and nearby aquatic/sports centre. These are large smooth barked Eucalyptus that require a substantial area for growth. The space provided is not satisfactory for this species. Further, smooth barked species such as this have a propensity for branch drop and are not suitable over a children's play area once mature.

Similarly, there is insufficient space provided for the planting of tall trees (Eucalyptus pilularis and E. saligna) in between the southern elevation terrace and the access road. These areas are too narrow (2-2.5m wide) and the trees are too close to the dance break out areas and stair access area link to Grey House Walk. These tall trees would contribute substantially to screening/ softening of the development when viewed from adjacent properties, but require greater setbacks and space taking into account size at maturity.

Wider landscape areas should be provided for tall tree planting and greater setback to the southern common boundary to achieve a better landscape outcome in these areas.

The exotic planting also to the north of the proposed building of Catalpa is also minimally offset from the proposed building (2 -2.5m) and is not practical for a medium sized tree.

## 10. Environmental Health – noise, lighting, food safety

The table below sets out concerns related to noise, lighting and food safety associated with the proposal and considerations to protect residential amenity. Council has received complaints in past years about activities at Pymble Ladies College relating to noise and lighting. The proposed location and uses of this building, in such close proximity to residential properties, is likely to affect residential amenity. If the proposal is to be approved it is requested that conditions be applied to provide effective protection for near-by residents for the on-going use, post issue of the occupation certificate. Some examples of conditions applied by Council for similar uses is included at the end of this document for reference if applicable or helpful for consistency.

| **Concern** | **Considerations for impacts/conditions** |
|---|---|
| **Noise – dance studio and hall after standard school hours**<br><br>Council has investigated and confirmed offensive noise levels from the amplified equipment (music/instruction) during operation of the existing dance studio at Pymble Ladies College after standard school hours.<br><br>The use of the current dance studio regularly exceeds the standard co-curricular hours identified in the EIS with use occurring on Sundays and before 7am and up to 7:30pm weekdays. Council has been provided with a timetable from the school confirming the programmed use of the facility outside of the standard co-curricular hours.<br><br>The noise impact assessment identifies possible noise impacts for residential occupants from the use of the hall particularly after standard school hours by other users. The consultant has identified noise sources including amplified music and public address systems and provides recommendations for glazing and wall construction. | Conditions are required to protect residential amenity by specifying:<br><br>1. Restricted hours of use for co-curricular purposes.<br>2. Noise levels restriction at the boundary from use of amplified equipment (i.e. no greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary).<br>3. Compliance with glazing and external wall construction recommendations identified in noise impact assessment.<br>4. Doors and windows facing the residential premises being closed when in dance studio and hall is in use.<br><br>Please refer to examples 9,10,16,18 of Council's list of conditions below. |
| **Noise – childcare centre**<br><br>Concerns raised about noise from childcare centres when in operation tend to relate to use of outdoor play areas after 5pm and amplified music. | Conditions are required to protect residential amenity by specifying:<br><br>1. Restriction of use of music or amplified sound equipment in the outdoor play area.<br>2. Restrict hours of use of outdoor play area after 5pm.<br>3. Compliance with construction recommendations for barrier to external play area as identified in noise impact statement<br>4. Doors and windows facing the residential premises being closed when in use. |

| | |
|---|---|
| **Noise – mechanical ventilation and plant**<br><br>Sources of mechanical noise for surrounding residents include air conditioners and mechanical exhaust from kitchen, bathrooms and toilets.<br><br>Council has received complaints in relation to other schools and childcare centres where air conditioners and exhaust systems are left on overnight. | Conditions are required to protect residential amenity by specifying:<br><br>1. An acoustic design report to identify all potential noise sources and provide recommendations for acoustic measures prior to issue of the CC.<br>2. Positioning of condenser and plant in basements<br>3. Specifying hours when equipment is to be turned off<br>4. Noise levels at the boundary and in habitable rooms of residential premises.<br><br>Please refer to examples 1, 4, 7, 11, 14, 15 and 17 of Council's list of conditions below. |
| **Lighting**<br><br>Council has received complaints in relation to light spillage from flood lights installed at the school and also complaints in relation to other schools and childcare centres where internal lighting is left on overnight causing disturbance to residential occupants. | Conditions are required to protect residential amenity by specifying:<br><br>1. Requirements for external lighting on the building to prevent light spill<br>2. Limiting use of internal lighting in the early morning, evening and at night<br><br>Please refer to examples 3, 6, 12 and 19 of Council's list of conditions below. |
| **Food Safety - Childcare**<br><br>The size of the proposed kitchen for preparation of meals for 90 children does not appear to be sufficient to adequately accommodate the facilities and equipment required.<br><br>Council's inspection of childcare centres of similar capacity has found that a kitchen with a minimum floor space of 19m$^2$ is needed to effectively accommodate all the fixtures and fittings including dry food storage, refrigeration and freezer units, bench space for food preparation and plating up, trolleys for distribution of food, commercial dishwasher, separate chemical storage etc | Conditions are required to ensure:<br><br>1. That adequate space is provided for the operation of the kitchen including managing deliveries, storage and preparation<br>2. That the kitchen is compliant with current food standards.<br>3. Odour concerns for surrounding residents are addressed<br><br>Please refer to examples 2, 5 and 8 of Council's list of conditions below. |

***Examples of conditions Council has applied in similar types of applications***

***Prior to construction certificate conditions***

***Example 1: Acoustic design report***

*An acoustic design report shall be prepared by an appropriately qualified acoustic consultant and submitted to the Certifier with the application for any Construction Certificate. The acoustic design report shall identify all mechanical ventilation equipment and other noise generating plant including, but not limited to air conditioners, kitchen, bathroom/toilet exhaust, sound amplification equipment proposed as part of the approved development.*

*The acoustic design report shall provide acoustic design detailing and recommendations to address any potential noise impacts to ensure that the operation of an individual piece of equipment or operation of equipment in combination will not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise from an*

*individual piece of equipment or in combination shall not be greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary.*

*A Construction Certificate shall not be issued unless the Certifier is satisfied that the acoustic design report satisfies the requirements of this condition and that the proposal will be constructed in accordance with its requirements.*

***Reason:** To comply with best practice standards for acoustic amenity.*

***Example 2: Design and construction of food premises***

*Plans and specifications complying with the requirements of the Food Act 2003, Food Standards Code 3.2.3 Food Premises and Equipment, Australian Standard AS 4674 2004 – Design, construction and fit-out of food premises shall be submitted to and approved by the Certifier prior to the issue of any Construction Certificate. Plans and specifications shall address the following:*

- *floor plans, showing the layout of the fixtures and fittings, food storage and staff personal effects storage areas*
- *elevations and sections showing floor, wall and ceiling construction and finishes*
- *elevations and sections showing the installation of fixtures and fittings*
- *cool room/freezer construction*
- *garbage and recycling storage areas*
- *grease trap area*
- *all proposed mechanical ventilation systems*
- *staff, accessible and public toilet facilities*

***Reason:** To ensure compliance with standards for food premises.*

***Example 3: Outdoor lighting***

*Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting and 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.*

*Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of a Construction Certificate.*

***Reason:** To provide high quality external lighting for security without adverse impacts on public amenity from excessive illumination.*

***Example 4: Location of air conditioning condensers***

*Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that architectural plans display that all air conditioning condensers will be located within the basement.*

***Reason:** To minimise noise impacts on surrounding properties and to improve the appearance of the approved development.*

***Prior to Occupation Certificate conditions***

***Example 5: Mechanical ventilation***

*Following completion, installation and testing of all the mechanical ventilation systems the installation and performance of these systems must comply with:*

- *The National Construction Code*
- *Australian Standard 1668*
- *Australian Standard 3666 where applicable.*

*The Principal Certifier shall be satisfied of the above prior to the issue of any Occupation Certificate.*

***Reason:*** *To protect the amenity of occupants and neighbouring properties.*

***Example 6: Outdoor Lighting***

*Prior to the issue of the Occupation Certificate, the Principal Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting and is mounted, screened and directed in a way that does not create a nuisance or light spill on to buildings on adjoining lots or public places.*

***Reason:*** *To provide high quality external lighting for security without adverse impacts on public amenity from excessive illumination.*

***Example 7: Mechanical noise control***

*Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the mechanical ventilation systems and other plant, including but not limited to air conditioners, kitchen, bathroom/toilet exhaust and sound amplification equipment when in operation either as an individual piece of equipment or in combination with other equipment will not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of the above restricted hours noise from an individual piece of equipment or in combination shall not be greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present. Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifier.*

***Reason:*** *To protect the amenity of the occupants and neighbouring residents**.***

***Example 8: Construction of food premises***

*Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the construction of the food premises and all food storage areas is in accordance with the requirements of the Food Act 2003, Food Standards Code 3.2.3 Food Premises and Equipment, Australian Standard AS 4674 2004 – Design, construction and fit-out of food premises and National Construction Code.*

*The final inspection of the food premises fit-out shall be carried out by a suitably qualified person. Documentation is to be submitted to the Principal Certifier certifying compliance with all relevant requirements.*

***Reason: To ensure compliance with standards for food premises.***

***Example 9: Acoustic Control Measures – hall, dance studio, childcare***

*Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the acoustic attenuation measures recommended in Acoustic Assessment Report Ref xxx dated xx/xx/xxxx prepared by xxxx have been installed.*

*Written advice from an acoustic engineer is to be submitted to the Principal Certifier confirming that the acoustic measures achieve the noise objectives specified in the acoustic assessment and that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm - 7.00 am) when measured at the boundary of the site.*

***Reason:*** *To protect the amenity of occupants and surrounding residents.*

***Example 10: Acoustic Control Measures – glazing***

*Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that glazing is provided in accordance with the recommended glazing construction specified in Part x of Noise Impact Assessment Report Ref xxx dated xx/xx/xxxx prepared by xxxx.*

*Written confirmation from an acoustic engineer that the acoustic glazing has been installed as specified in the Noise Impact Assessment Report is to be submitted to the Principal Certifier.*

***Reason:*** *To protect the amenity of the occupants and neighbouring residents.*

***Example 11: Location of air conditioning condensers***

*Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all air conditioning condensers are located in the basement.*

***Reason:*** *To minimise noise impacts on surrounding properties and to improve the appearance of the approved development*

***At all times (post occupation certificate issue) conditions***

***Example 12: Outdoor lighting***

*All external lighting must:*

*1. Comply with AS/NZS 4282:2019: Control of the obtrusive effects of outdoor lighting and*
*2. 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.*

***Reason:*** *To protect the amenity of surrounding properties.*

***Example 13: Noise control - air conditioning***

*Noise levels associated with air conditioning units installed on the premises shall not be audible within any habitable room in any residential occupancy between the hours of 10.00pm and 7.00am. Outside of these restricted hours noise levels associated with air conditioning units installed on the premises either as an individual piece of equipment or in combination shall not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.*

***Reason:*** *To protect the amenity of neighbouring residential occupants.*

***Example 14: Noise control – mechanical exhaust ventilation***

*Noise levels associated with mechanical exhaust ventilation installed on the premises shall not be audible within any habitable room in any other neighbouring residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with mechanical exhaust ventilation installed on the premises either as an individual piece of equipment or in combination shall not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.*

***Reason:*** *To protect the amenity of neighbouring residential occupants.*

***Example 15: Noise control – mechanical plant***

*Noise levels associated with mechanical plant installed on the premises shall not be audible within any habitable room in any other neighbouring residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with mechanical plant installed on the premises either as an individual piece of equipment or in combination shall not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.*

***Reason:*** *To protect the amenity of neighbouring residential occupants.*

***Example 16: Noise control – Amplified equipment***

*Amplified sound equipment shall not exceed more than 5dB(A) above the background noise (LA90, 15 min) level when measured within any adjoining tenancy. The background (LA90, 15 min) level is to be determined without the source noise present.*

***Reason:*** *To protect the amenity of residential occupants.*

***Example 17: Noise control – air conditioning – co-curricular use and childcare***

*Air conditioning systems are not to be operated prior to the approved operational hours each morning and are to be turned off no later than 30 minutes after the end of approved operational hours each night.*

***Reason:*** *To protect the amenity of neighbouring properties.*

***Example 18: Noise control – door and windows – dance studio and hall***

*The doors and windows on the premises are to be kept closed when the facilities are in use.*

***Reason:*** *To protect the amenity of the occupants and surrounding residents.*

***Example 19: Internal lighting – co-curricular use and childcare centre***

*Internal lighting is not to be operated prior to the approved operational hours each morning and is to be turned off no later than 30 minutes after the end of approved operational hours each night.*

***Reason:*** *To protect the amenity of neighbouring properties.*

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**END OF SUBMISSION**