

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

### Environmental Planning and Assessment Act, 1979 (Section 4.18)

Stockland Development Pty Ltd  
(Co/Gln Planning)  
Level 10  
70 Pitt Street  
SYDNEY NSW 2000

**Determination Number:**  
SPP-19-00002

**Property Description:** Lot 1101 DP 1191303, Elara Boulevard MARSDEN PARK

**Development:** Two lot boundary adjustment subdivision and construction of a Local Town Centre with a childcare centre, medical centre, supermarket, dining and retail spaces, 24 hour gymnasium and associated car parking, drainage and landscaping on proposed lot 1 and a community centre with ancillary parking on proposed lot 2.

**Determination:** *Under Section 4.16 of the Act Council advises that the Development Application has been determined by:*

- GRANTING OF DEVELOPMENT CONSENT SUBJECT TO THE CONDITIONS ATTACHED TO THE FOLLOWING PAGES

BY SYDNEY CENTRAL PLANNING PANEL DECISION

#### Right of Appeal

Section 8.7 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority a right of appeal to the Land and Environment Court. Section 8.7 does not apply to State significant development or development that has been subject to a Commission of Inquiry.

#### Review of Determination

Section 8.3 of the Act provides that an applicant may request the Council to review the determination. Section 8.3 does not apply to complying development, designated development, integrated development, or a determination made by Council under Division 8.2 of the act in respect of Crown applications.

**Note:** This Consent is generally valid for a period of 5 years effective from the date of this Notice, unless specified otherwise by Sections 4.20 and 4.53 of the Act, or by conditions of this Consent.

Kerry Robinson  
**CHIEF EXECUTIVE OFFICER**

Per 

Date 26 March 2020



## 1 ADVISORY NOTES

### 1.1 Terminology

- 1.1.1 Any reference in this consent to a Construction, Subdivision Works, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Part 6 of the Environmental Planning and Assessment Act 1979.

### 1.2 Scope of Consent

- 1.2.1 Separate development consent (complying development certificate or development application) is required, unless such works are exempt development, prior to the fit out of the supermarket, dining and retail premises, 24-hour gymnasium, pharmacy, medical centre, kiosk and speciality premises.
- 1.2.2 This consent does not prevent the issues of a construction certificate for part only of the development as long as the requirements of the consent have been complied with in relation to that part.

### 1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
- (a) the removal of any tree(s) not indicated on the approved plans;
  - (b) all signage/ advertising structures or other development not being exempt development;
- 1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

### 1.4 Services

- 1.4.1 The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited
  - (b) Recognised energy provider
  - (c) Natural Gas Company
  - (d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

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All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 1.4.2 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.3 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.
- 1.4.5 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

## 1.5 Identification Survey

- 1.5.1 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.

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## 1.6 Engineering Notes

- 1.6.1 All works requiring approval under the *Roads Act 1993* (except standard vehicular crossings) or *Local Government Act 1993* must be approved PRIOR to the issue of any relevant Construction Certificate or Subdivision Works Certificate.

## 1.7 Payment of Engineering Fees

- 1.7.1 If the applicant wishes for Council to issue a Construction Certificate or Subdivision Works Certificate as nominated in the 'Prior to Construction Certificate/Subdivision Works Certificate please:

- Complete application form.
- Submit all relevant plans produced by a suitably qualified person and in accordance with Councils Standards.

## 1.8 Road Damage

- 1.8.1 The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer.

## 2 General

### 2.1 Scope of Consent

- 2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

Architectural Drawing No.	Drawing Name	Prepare By	Dated	Revision
DA-001	Cover Sheet	AJ+C	10/1/2020	7
DA-101	Site Plan	AJ+C	10/1/2020	12
DA-102	Site Plan Roof	AJ+C	10/2/2020	9
DA-103	Site Elevations	AJ+C	10/1/2020	4
DA-104	Site Analysis Plan	AJ+C	2/4/2019	2
DA-105	Waste Management Site Plan	AJ+C	15/1/2020	4
DA-211	Childcare Centre Ground Floor Plan	AJ+C	10/1/2020	5
DA-212	Neighbourhood Centre & Retail Pod 1 Ground	AJ+C	10/1/2020	4
DA-213	Retail Pod 2 Ground & Level 1 Floor Plan	AJ+C	10/1/2020	5
DA-214	Medical Centre Ground Floor Plan as amended in blue by Council	AJ+C	10/1/2020	5
DA-215	Supermarket Ground & Level 1 Floor Plan	AJ+C	10/1/2020	9
DA-291	Shadow Diagram	AJ+C	10/1/2020	4

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DA-311	Childcare Centre elevations & Sections	AJ+C	10/2/2020	5
DA-312	Neighbourhood Centre & Retail Pod 1 Elevations and Sections	AJ+C	10/1/2020	4
DA-313	Retail Pod 2 Elevations and Sections	AJ+C	10/1/2020	4
DA-314	Medical Centre Elevations and Sections as amended in blue by Council	AJ+C	10/1/2020	5
DA-315	Supermarket Elevations	AJ+C	10/1/2020	7
DA-316	Supermarket Sections	AJ+C	10/1/2020	7
DA-331	Material Board 1	AJ+C	10/1/2020	4
DA-332	Material Board 2	AJ+C	10/1/2020	4
SK DA 01	Landscape Concept Plan	Umbaco	March 2018	F
SK DA 02	Design Concept	Umbaco	March 2018	F
SK DA 03	Plant Material Schedule	Umbaco	March 2018	F
<b>Landscape Plans</b>				
	Elara Neighbourhood Centre Landscape DA Report	Group GSA	April 2019	7
170312 DA-L0000	Cover Sheet	Group GSA	16/4/2019	F
170312 DA-L0001	Landscape Plan Sheet 1	Group GSA	16/4/2019	F
170312 DA-L0002	Landscape Plan Sheet 2	Group GSA	16/4/2019	F
170312 DA-L0003	Landscape Plan Sheet 3	Group GSA	16/4/2019	F
170312 DA-L0004	Landscape Plan Sheet 4	Group GSA	16/4/2019	F
170312 DA-L0005	Landscape Plan Sheet 5	Group GSA	16/4/2019	F
170312 DA-L0006	Landscape Plan Sheet 6	Group GSA	16/4/2019	F
170312 DA-L5000	Planting Schedule	Group GSA	16/4/2019	F
170312 DA-L6000	Sections	Group GSA	16/4/2019	F
<b>Subdivision Plan</b>				
Subdivision Plan	Plan of Subdivision of Lots 1101 & 1102 DP 1191303	Andrew Richard Thomas	21/3/2019	3
<b>Waste Mgt</b>				
	Construction Waste Mgt Plan Elara Neighbourhood Centre	EcCell Environmental Pty Ltd	25/03/2019	1

2.1.2 This consent authorises the approved buildings to incorporate a maximum GFA of

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8,622sqm and the following purposes, subject to full compliance with all other conditions of this consent:

- (a) A childcare centre for a maximum of 121 children.

Approval is given for the care of a maximum of 121 places (12 children aged 0-1 years, 24 children 1-2 years, 25 children aged 2-3 years and 60 children ages 3- 5 years). Any increase to the number of children will require further separate approval of Council and may require additional on-site parking to be provided.

- (b) A community centre consisting of a maximum GFA of 709 square metres and 25 allocated car parking spaces as per the Planning Agreement (noted under Condition 14.9) and the approved plans.
- (c) POD 1- containing 3 casual dining and 1 mini supermarket premises generally in accordance with the approved plans.
- (d) POD 2- containing 1 casual dining and 5 retail premises on the ground floor and a 24-hour gymnasium on Level 1 generally in accordance with the approved plans.
- (e) A medical centre consisting, but limited to, a pharmacy, GP services, dentist, ophthalmology, physio, radiology, pathology and treatment areas with a maximum GFA of 1,715 sqm metres as per the approved plans.
- (f) A supermarket which includes ground floor retail space and Level 1 amenities consisting of a maximum GFA of 2,886sqm on the ground floor and Level 1 amenities with a maximum GFA of 124sqm as per the approved plans.
- (g) Speciality retail tenancies and kiosk with a maximum GFA of 470sqm as per the approved plans.

## **2.2 Services**

- 2.2.1 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

## **2.3 Suburb Name**

- 2.3.1 The land the subject of this consent is known to be located in the following suburb. This suburb name shall be used for all correspondence and property transactions:

Suburb: Marsden Park

- 2.3.2 Any advertising of land sales in association with the approved development shall clearly indicate that the development is located in the following suburb. No other estate names shall be used in any advertisements or other promotional information:

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Suburb: Marsden Park

## 2.4 Engineering Matters

### 2.4.1 Design and Works Specification

2.4.1.1 All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements MUST be submitted to Council with the relevant application for Construction Certificate, *Road Act 1993* or *Local Government Act 1993* approval.

The relevant Construction Certificates issued by Private Certifiers must also be accompanied by the above documents.

NOTE: Any variations from these design requirements must be separately approved by Council.

2.4.1.2 Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e. Roads, drainage reserves, parks, etc.)  
A copy of this notice must be provided to Council's Co-ordinator of Engineering Approval.

## 2.5. Other Necessary Approvals

2.5.1 A separate application will be required for the following approvals, under the *Local Government Act 1993* and/or the *Roads Act 1993*.

- Vehicular Crossing
- Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)

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- the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required.

## 2.6 Other Matters

- 2.6.1 No construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued.

## 2.7 NSW POLICE

The following conditions imposed by NSW Police shall be implemented and adhered to at all times.

2.7.1 The Building Design must address the following key requirements:

- (a) The orientation of the buildings must allow for easy natural surveillance between the street, neighbouring property and surrounding buildings.
- (b) There must be adequate steps taken to ensure that person(s) cannot utilise the design of the building to climb from the outside.
- (c) That entry/exit points to the building are secured and access granted with the use of a security swipe card or other electronic security system.
- (d) Alcoves or recesses must be monitored by CCTV and lighting.
- (e) Garage bays must be locked to restrict unauthorised access.
- (f) There must be a 'Rapid Removal' Policy for graffiti.
- (g) There must be graffiti resistant materials used in the construction (masonry garden walls and fencing)
- (h) A sound reducing physical barrier in the form of a sound proof wall or similar to reduce noise from the licensed venue.

## 3 Prior to Construction Certificate (General)

### 3.1 DA Plan Consistency

- 3.1.1 A Construction Certificate or Subdivision Works Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

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### 3.2 Road Deposit/Bond

- 3.2.1 The following current fee (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:

- (a) Road inspection fee of \$180

Council will undertake initial and final inspection of civil assets outside the development site. The applicant will be held liable for any damage arising from construction activities. Council will undertake reinstatement works and recover the costs from the applicant in accordance with Council's current Goods & Services Pricing Schedule.

### 3.3 Lot Registration

- 3.3.1 The land to which this approval relates is to be identifiable with a Lot and Deposited Plan number and registered with the NSW Land Registry Services.

### 3.4 Services/Utilities

- 3.4.1 The following documentary evidence shall accompany the relevant Construction Certificate:

- (a) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.
- (b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

### 3.5 Special Infrastructure Contribution

- 3.5.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Environment before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

#### More information

Information about the special infrastructure contribution can be found on the Department of Planning and Environment's website:

<http://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding>

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### 3.6 Salinity

- 3.6.1 The recommendations of the Salinity Assessment prepared by GeoEnviro Consultancy Ltd dated July 2013 and a Salinity Management Report prepared by Network Geotechnics, dated 14 November 2014 are to be identified on the construction certificate plans and implemented during construction.

### 3.7 Acoustic impact

- 3.7.1 The recommendations of the *Operational Noise Assessment, prepared by Renzo Tonin & Associates (NSW) Pty Ltd, report no. TJ956-04F01 (r1) Noise Report, dated 20 March 2019* are to be implemented. Note: Acoustic validation that the recommendations have been implemented are required prior to the release of an Occupation Certificate.

### 3.8 Awnings

- 3.8.1 Details of the proposed awnings over Council's road reserve, including colour samples of the materials / finishes from brochures or the like are to be submitted for the separate approval of Council's Maintenance Engineers. The height and width of the proposed footpath awning is to comply with the following requirements:

- (a) The general provisions applicable to awnings under the Local Approvals Policy 2017
- (b) It must not cover, obstruct or interfere with facilities essential to the function or occupation of any building (e.g. ventilation ducts/openings and architectural features).
- (c) Must have a minimum horizontal distance of 600 mm from the road kerb/shoulder.
- (d) Must have a minimum height of 3.2 m to the underside of the awning (i.e. measured above the adjacent finished/proposed footway level).
- (e) Must have a maximum height of 5.5 m to the upper side of the awning (excluding the overhead support components).

- 3.8.2 Under awning lighting is to be provided to enhance pedestrian amenity and safety.

- 3.8.3 Certification is to be provided by a NPER engineer as to the structural integrity of the awning and compliance with the BCA and other relevant standards.

## 4 Prior to Construction Certificate (Planning)

### 4.1 Necessary Plan Amendments

- 4.1.1 The following plan amendments shall be included on or addressed by the relevant Construction Certificate relating to the approved development:

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- (a) The brick datum of the medical centre shall be extended to 1.2 metres above ground level to protect the lightweight cladding, including the corners of the building where it is more susceptible to damage as amended in blue by Council on drawing numbers DA-214 & DA-314, Issue 5 dated 10/1/2020.

#### 4.2 Aesthetics/Landscaping

- 4.2.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20% must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. "Anti-glare" glazing is to be used to minimise any glare affect. Details are to be provided as part of the Construction Certificate plans.
- 4.2.2 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the photomontage and the external material and finishes schedule submitted with the application. Building materials and finishes are to be finished with an anti-graffiti coating. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans.
- 4.2.3 A revised detailed CPTED report prepared by a suitably qualified social planning consultant to address key aspects of the design namely lighting, landscaping, security and building edges. This report is to be submitted to Council's Team Leader Social Planning for approval. The recommendations of the approved report are to be incorporated into the relevant Building Construction Certificate drawings and implemented prior to the issue of the relevant Building Occupation Certificate.

#### 4.3 Fencing

- 4.3.1 Fencing is to be consistent with the approved materials and colours as shown under the architectural plans. In this regard, fencing enclosing the outdoor play area of the childcare centre is to be 1.825 m high and is to be constructed of masonry for a minimum of 925mm in height with a 910mm of open style vertical powder coated infill battens or pickets above this. The fence is to be constructed and rated for vehicle impact. There is to be no colorbond fencing (or similar) directly adjoining a public road.

#### 4.4 Access/Parking

- 4.4.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 4.4.2 A minimum of 370 car parking spaces (369 car parking spaces with 1 ambulance space) are required to be provided on site for the Local Town Centre, with a minimum of 25 car spaces being allocated to the community centre and 30 car spaces for the childcare centre. All car spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1.

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- 4.4.3 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.
- 4.4.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 4.4.5 All the parking module and ramps and the access driveways must comply with Australian Standard 2890.1, AS 2890.2 and AS2890.6 in terms of dimensions, headroom, grad, sight distance, driveway width, ramp grades and manoeuvrability requirements both for passenger cars and commercial vehicles as proposed to access the site. A compliance certificate with relevant Australian Standard must be obtained from a suitable qualified traffic professional before issuing a construction certificate.

#### **4.5 Waste**

- 4.5.1 A detailed waste management plan shall be submitted and approved by Council that includes either an onsite caretaker/building manager to manage the waste system for the site including:
- (a) placement of bins out for servicing in the loading bay areas
  - (b) cleaning of bins and the waste rooms
  - (c) management of bulky waste generated onsite
  - (d) management of illegal dumping on site

#### **4.6 Section 7.11 Contributions under Section 7.17 Directions**

- 4.6.1 The following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier, whichever occurs first.

**PLEASE NOTE:** Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. However, payments by credit card or EFTPOS over \$10,000 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Amount	Relevant C.P
Stormwater Quantity	\$1,962,513.00	CP 21
Stormwater Quality	\$72,820.00	CP 21
Traffic management	\$408,729.00	CP 21
Total contributions payable	\$2,444,062.00	

The contribution(s) will be indexed according to the Australian Bureau of Statistics'

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Consumer Price Index (Sydney Housing) or Consumer Price Index (All Groups Sydney).

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Information Centre, or viewed/downloaded at [www.blacktown.nsw.gov.au](http://www.blacktown.nsw.gov.au):

S.7.11 CP No. 21 Marsden Park

The Section 7.11 contribution(s) have been based on the total developable area, the site's road frontage and the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

Developable area: 2.3613 hectares

## **5 Prior to Construction Certificate (Building)**

### **5.1 Building Code of Australia Compliance**

5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which:
  - (i) complies with the performance requirements, or
  - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
  - (iii) A combination of (a) and (b).

## **6 Prior to Construction Certificate/Subdivision works Certificate (Engineering)**

### **6.1 General**

6.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before the relevant Construction Certificate or Subdivision Works Certificate can be issued.

6.1.2 The engineering drawings referred to below are not for construction. The Construction Certificate/Subdivision Works Certificate drawings shall be generally in

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Per \_\_\_\_\_  
Blacktown City Council  
26 March 2020



accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a section 4.55 application

Construction Certificate/Subdivision Works Certificate plans shall be generally in accordance with the following drawings and relevant Consent conditions:

Prepared By	Drawing No.	Revision	Dated
Mott Macdonald	388057-MMD-DA-XX-DR-C-0001	-	19/12/2019
Mott Macdonald	388057-MMD-DA-XX-DR-C-0002	P3	19/12/2019
Mott Macdonald	388057-MMD-DA-XX-DR-C-0003	P4	19/12/2019
Mott Macdonald	388057-MMD-DA-XX-DR-C-0005	P3	19/12/2019
Mott Macdonald	388057-MMD-DA-XX-DR-C-0010	P6	07/01/2020
Mott Macdonald	388057-MMD-DA-XX-DR-C-0020	P5	19/12/2019
Mott Macdonald	388057-MMD-DA-XX-DR-C-0021	P3	19/12/2019
Mott Macdonald	388057-MMD-DA-XX-DR-C-0030	P6	07/01/2020
Mott Macdonald	388057-MMD-DA-XX-DR-C-0040	P7	08/01/2020
Mott Macdonald	388057-MMD-DA-XX-DR-C-0041	P8	08/01/2020
Mott Macdonald	388057-MMD-DA-XX-DR-C-0042	P8	08/01/2020
Mott Macdonald	388057-MMD-DA-XX-DR-C-0043	P8	08/01/2020
Mott Macdonald	388057-MMD-DA-XX-DR-C-0050	P4	07/01/2020
Mott Macdonald	388057-MMD-DA-XX-DR-C-0051	P4	07/01/2020
Mott Macdonald	388057-MMD-DA-XX-DR-C-0055	P3	19/12/2019
Mott Macdonald	388057-MMD-DA-XX-DR-C-0060	P5	19/12/2019
Mott Macdonald	388057-MMD-DA-XX-DR-C-0061	P3	19/12/2019
Mott Macdonald	388057-MMD-DA-XX-DR-C-0070	P4	19/12/2019
Mott Macdonald	388057-MMD-DA-XX-DR-C-0071	P4	19/12/2019
Mott Macdonald	388057-MMD-DA-XX-DR-C-0072	P5	07/01/2020
Mott Macdonald	388057-MMD-DA-XX-DR-C-0073	P4	19/12/2019
Mott Macdonald	388057-MMD-DA-XX-DR-C-0074	P3	19/12/2019
Mott Macdonald	388057-MMD-DA-XX-DR-C-0075	P5	07/01/2020
Mott Macdonald	388057-MMD-DA-XX-DR-C-0077	P6	07/01/2020
Mott Macdonald	388057-MMD-DA-XX-DR-C-0078	P5	19/12/2019
Mott Macdonald	388057-MMD-DA-XX-DR-C-0105	P2	19/12/2019

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Mott Macdonald	388057-MMD-DA-XX-DR-C-0106	P2	19/12/2019
Mott Macdonald	388057-MMD-DA-XX-DR-C-0107	P2	19/12/2019
Mott Macdonald	388057-MMD-DA-XX-DR-C-0108	P2	19/12/2019

## 6.2 Subdivision Works/Construction Certificate Requirements

6.2.1 Under the *Environmental Planning and Assessment Act 1979* a Subdivision Works/Construction Certificate is required. These works include but are not limited to the following:

- Internal drainage construction
- Water quality treatment
- Earthworks
- Retaining wall construction

The above requirements are further outlined in this section of the consent.

## 6.3 Roads Act Requirements

6.3.1 Under *Section 138 of the Roads Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Any works within Council's road reserve
- Kerb inlet pit connections or construction
- Vehicular crossings
- Path paving (Demolishing existing footpath; regrading and relaying of new footpath along Elara Boulevard)
- Footpath construction (Along Northbourne Drive, Harvest Street and Parish Street)
- Extension of concrete median along Elara Boulevard

The above requirements are further outlined in this section of the consent.

6.3.2 The design and the specifications for the footpath pavers within the public road

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verge must be approved by Council's City Architect prior to construction approval.

#### 6.4 Other Engineering Requirements

- 6.4.1 If the estimated cost is \$25,000 or greater proof of long service levy payment is required.
- 6.4.2 Any ancillary works undertaken shall be at no cost to Council.
- 6.4.3 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

#### 6.5 Roads

- 6.5.1 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card.

#### 6.6 Drainage

- 6.6.1 Drainage from the site must be connected into Council's existing drainage system.
- 6.6.2 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

#### 6.7 Erosion and Sediment Control

- 6.7.1 Provide a sediment and erosion control plan in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development.

#### 6.8 Earthworks

- 6.8.1 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.

#### 6.9 Stormwater Quality Control

- 6.9.1 Stormwater quality treatment system shall be designed in accordance with Council's Engineering Guide for Development and DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#).
- 6.9.2 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

#### 6.10 Vehicular Crossings

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 6.10.1 Plans to demonstrate the construction a commercial and industrial vehicular crossing to Council's standard A(BS)103S.
- 6.10.2 All vehicular crossings shall maintain a minimum of 6m from the tangent point of the kerb return. The vehicular crossings shall also maintain at least 1m clear of any stormwater gully pit and clear of any other utility surface infrastructure.

## 6.11 Footpaths

- 6.11.1 The construction of path paving is to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2010.

Proposed locations and widths are to be approved by Blacktown City Council's Co-ordinator Engineering Approvals. Cycleways/ shared pathways are to include line marking and signposting in accordance with the requirements of Austroads "Guide to Road Design" Part 6A and the Roads and Maritime Services NSW Bicycle Guidelines November 2003.

## 7 Prior to Construction Certificate (Environmental Health)

### 7.1 Food Premises

- 7.1.1 Plans and specifications submitted for issue of a Construction Certificate, if relevant, shall demonstrate compliance with the requirements of:
- Food Act 2003 and Regulations there under.
  - Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.

### 7.2 Environmental Management

- 7.2.1 The recommendations provided Operational Noise Assessment, prepared by Renzo Tonin & Associates (NSW) Pty Ltd, report no. TJ956-04F01 (r1) Noise Report, dated 20 March 2019 must be implemented
- 7.2.2 A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:
- a) does not exceed an LAeq sound pressure level of 5dB (A) above the ambient background noise level when measured
  - at the most effected point on or within any residential property boundary or

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- at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
- b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am

## 8 Prior to Development Works

### 8.1 Safety/Health/Amenity

8.1.1 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.  
Each toilet provided shall be:

- (a) a standard flushing toilet, or
- (b) a temporary on-site toilet which is regularly maintained and the waste disposed to an approved sewerage management facility.

8.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- (a) the name, address and telephone number of the principal certifying authority for the work, and
- (b) the name of the principal contractor (if any) for the 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.

This condition does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

8.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involve the enclosure of a public place,  
a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in

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accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.

- 8.1.4 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.
- 8.1.5 A single vehicle/plant access to the land shall be provided off Elara Boulevard to minimise ground disturbance and transport of soil onto any public place.
- 8.1.6 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.
- 8.1.7 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

## **8.2 Notification to Council**

- 8.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

## **8.3 Sydney Water Authorisation**

- 8.3.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal Certifying Authority to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains,

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sewers or stormwater channels.

OR

The approved plans are to be submitted to a Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For further information please refer to the "Developing Your Land" section of the website: [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 1300 082 746 for assistance.

## **9 During Construction (Building)**

### **9.1 Safety/Health/Amenity**

9.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

9.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

(a) the name, address and telephone number of the principal certifying authority for the work, and

(b) the name of the principal contractor (if any) for the 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.

9.1.3 Should the development work:

(a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

(b) involves the enclosure of a public place,

the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.

9.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.

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- 9.1.5 A single vehicle/plant access to the land off Elara Boulevard shall be maintained to minimise ground disturbance and transport of soil onto any public place.
- 9.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 9.1.7 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 9.1.8 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

## **9.2 Building Code of Australia Compliance**

- 9.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

## **9.3 Nuisance Control**

- 9.3.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 9.3.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

## **9.4 Stormwater Drainage**

- 9.4.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:
- (a) the floor level being a minimum 225 mm above the adjoining finished ground level, and/or

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(b) being drained to an effective drainage system.

(c) if draining to kerb use an approved kerb outlet and sewer grade PVC or RHS

## 9.5 Waste Control

9.5.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan shall be implemented during the course of development works.

## 9.6 Construction Inspections

9.6.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

(a) After excavation for, and prior to placement of, any footings; and

(b) Prior to pouring any in-situ reinforced concrete building element; and

(c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and

(d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2, 3 or 4 building); and

(e) Prior to covering any stormwater drainage connections; and

(f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection "(f)" must be carried out by the Principal Certifier. Any inspection conducted by an accredited certifier other than the nominated PC for the project must be verified by way of a Compliance Certificate issued for the relevant works.

Note: Failure to ensure the relevant inspections are conducted will preclude the issue of an Occupation Certificate.

## 10 During Construction (Engineering)

### 10.1 Notification of Works

10.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum 5 business days prior to commencement of engineering works.

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## 10.2 Insurances

- 10.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000 Indemnity and Workers Compensation.

## 10.3 Boundary Levels

- 10.3.1 Any construction at the property boundary, including but not limited to fences, retaining walls and driveways shall not be carried out until boundary alignment levels have been fixed.

## 10.4 Soil Erosion and Sediment Control Measures

- 10.4.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.4.2 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

## 10.5 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.

- 10.5.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

Where Council is appointed as the Principal Certifying Authority for the development, compliance certificates issued by accredited certifiers in lieu of council inspections will only be accepted by prior agreement or by Council request. All compliance certificate(s) must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction Certificate.

## 10.6 Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993

- 10.6.1 All inspection(s) required by this consent for any engineering works that are

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approved under the *Roads Act 1993* or *Local Government Act 1993* must be made by Council's Development Overseers.  
Inspections must be pre-booked with a minimum 24 hours' notice. Councils Development Overseers may be contacted on 02 9839 6586 between 6 am – 7 am, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

## 10.7 Public Safety

- 10.7.1 The applicant is advised that all works undertaken are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

## 10.8 Traffic Control

- 10.8.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2009.
- 10.8.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Roads and Maritime Services (RMS) accreditation and photo card to implement Traffic Control Plans.
- 10.8.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Roads and Maritime Services (RMS) Traffic Controller accreditation and photo card and carry it with them.
- 10.8.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Roads and Maritime Services (RMS) accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2009.
- 10.8.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a person who holds a current Roads and Maritime Services (RMS) accreditation to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 – 2009 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

## 10.9 Uncovering archaeological evidence

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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10.9.1 If any Aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site, and objects, is to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.

10.9.2 The applicant must inform Council if archaeological material or evidence of the potential for archaeological material is discovered during construction. The applicant must ensure that all work ceases and the nominated archaeologist must attend the site to assess the nature of the discovery and inform the Council of the evidence.

#### 10.10 Aboriginal archaeology

10.10.1 The applicant must ensure that, if any archaeological material indicating Aboriginal occupation, ceremony or activity is uncovered during construction activities on any location within the proposed development, all works are to cease immediately and representatives of the Office of Environment and Heritage (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

#### 10.11 Other matters

10.11.1 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:

- (a) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
- (b) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
- (c) Any fill material imported to the site shall be certified at the source by a suitably qualified consultant as VENM fill material, non-slightly saline and non-aggressive to concrete or steel. If the importation of fill is undertaken under a specific EPA exemption, relevant details of the EPA exemption shall be forwarded to Council prior to the importation of fill to the site.

Should Council receive any complaints regarding non-compliance with any of the above matters or other such operational type matters, then Council will have no alternative but to fully investigate the complaint and pursue an appropriate course of action.

### 11 During Construction (Environmental Health)

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## 11.1 Environmental Management

### All Premises

- 11.1.1 All waste generated on the site during the construction must be classified in accordance with the NSW EPA's *Environmental Guidelines: Assessment, Classification and management of Liquid and Non-Liquid Waste* and disposed of at a facility that may lawfully accept the waste.
- 11.1.2 On completion of the installation of the ventilation system, a Compliance Certificate is to be submitted to Council certifying that the system has been installed and commissioned in accordance with the approved details.
- 11.1.3 Any asbestos material is to be handled and treated in accordance with the SafeWork NSW document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.

### Childcare Centre and Neighbourhood Centre

- 11.1.4 The food preparation areas shall be constructed so as to comply with the requirements of;
- (a) The Food Act 2003 and Regulations there under.
  - (b) Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
  - (c) Australian Standard [1668.2-2012: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings](#)

## 12 During Construction (NSW POLICE)

- 12.1 A security guard to be on site outside business hours including public holidays and weekends, from the day construction commences until completion.
- 12.2 It is suggested that suitable traffic control and safety messages be incorporated throughout the construction process to increase safety to motorists and minimise risk.
- 12.3 During construction stage all tools and building material must be stored in strong rooms with tamper proof security systems.
- 12.4 Lighting should be installed and operated on the grounds during construction.
- 12.5 Territorial Re-enforcement:
- (a) A perimeter fence erected around the property during construction.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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- (b) Fences must be fitted with locks and maintained in good condition.
- (c) Ambulance, Fire Brigade and Police must be able to access the site in an emergency.
- (d) Sensor lighting to be installed throughout the complex
- (e) Fire exit doors must be self-closing with regular inspections and maintained in working order.
- (f) Fire exit doors must be free from rubbish and other obstructions that hinder evacuation.

**12.6 Surveillance:**

- (a) The Application incorporates casual surveillance within the construction plan with a focus on avoiding any potential hidden areas within the car park and building surrounds. The buildings entrances will be visible from the surrounding roads and not be obstructed by landscaping.

**13 Prior to Occupation Certificate**

**13.1 Road Damage**

- 13.1.1 The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer.

**13.2 Compliance with Conditions**

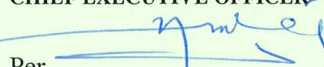
- 13.2.1 An Occupation Certificate for part or all of the development shall not be issued until such time as all relevant conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all relevant conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 13.2.2 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the Principal Certifier in accordance with the provisions of Section 6.9 of the Environmental Planning and Assessment Act 1979.

**13.3 Service Authorities**

- 13.3.1 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.
- 13.3.2 A final written clearance shall be obtained from Sydney Water Corporation, Integral

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Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc.) has not previously been issued.

- 13.3.3 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of any Occupation Certificate:

(a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

**13.4 Temporary Facilities Removal**

- 13.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 13.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 13.4.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 13.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 13.4.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

**13.5 Fire Safety Certificate**

- 13.5.1 An interim or final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to

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the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

- 13.5.2 A final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

**13.6 Environmental Management**

All Premises

- 13.6.1 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.
- 13.6.2 The installation of any grease arrestor shall comply with the requirements of the Sydney Water Corporation. A copy of the Corporation's Trade Waste Agreement, shall be submitted to Council.
- 13.6.3 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that the ventilation system has been installed and is operating in accordance with Australian Standard 1668.2:2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.

Childcare Centre

- 13.6.4 A Noise Management Plan is to be implemented for the Child Care Centre and is to be monitored and enforced by the Director of the Child Care Centre. The Management Plan is to include provisions that:
- (a) Demonstrates how the chosen noise criteria for the Child Care Centre will be adhered to.
  - (b) Ensure children are supervised at all times to minimise noise generated by children.
  - (c) Procedure to minimise carpark noise.
  - (d) Install a contact phone number at the front of the centre so that any complaints regarding Centre operation can be made.
  - (e) Initiate a complaints handling procedure.

**13.7 Landscaping/Car Parking**

- 13.7.1 All landscaping shall be completed in accordance with approved landscaping

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design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

- 13.7.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 13.7.3 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- 13.7.4 Vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.
- 13.7.5 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.
- 113.7.6 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 13.7.7 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public or drainage reserves.
- 13.7.8 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent directional signs indicating its availability.
- 13.7.9 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 13.7.10 Bicycle racks are to be provided on site.
- 13.7.11 A 10m 'No Stopping' zone on the western side of the exit from loading dock area in Harvest Street shall be implemented prior to the issue of any Occupation Certificate relating to the use of the loading dock. In this regard a plan with the proposed 'No Stopping' zone shall be submitted to Council's Local Traffic Committee for approval prior to the signs being installed.

### **13.8 Fee Payment**

- 13.8.1 Any fee payable to Council as part of a Construction, Subdivision Works, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid

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in full.

**13.9 Fire Safety**

- 13.9.1 Smoke alarm/s complying with the provisions of the Environmental Planning and Assessment Amendment (smoke alarms) Regulation, 2006, shall be installed in the existing residential portion of the building.

**13.10 Engineering Matters**

**13.10.1 Surveys/Certificates/Works As Executed plans**

- 13.10.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 13.10.1.2 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 13.10.1.3 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through Councils Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

**13.11 Easements/Restrictions/Positive Covenants**

- 13.11.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
  - (b) The standard format for easements and restrictions as accepted by the Land Registry Services (LRS).
- 13.11.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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devices/system and outlet works.

### 13.12 Inspections

- 13.12.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

### 13.13 Graffiti Management Plan

- 13.13.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council. The Plan is to address the following issues:
- (a) Methods to minimise the potential for graffiti;
  - (b) Management/notification procedures for the "early" removal of graffiti;
  - (c) Annual review of any "management agreement" for the removal of graffiti to ensure the property is maintained at its optimum level; and
  - (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

### 13.14 Street Tree Planting

- 13.14.1 Prior to the issue of the final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to the satisfaction of Council's Maintenance Section.
- 13.14.2 Any tree planting (and maintenance) along the frontage of the development site to improve the amenity of the streetscape must be approved before an Occupation Certificate is issued.

Trees must be of a minimum container size of 45 litres with root barriers.

The applicant must obtain clearances from relevant service authorities.

The applicant will be required to pay a bond of \$320 per tree to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation/subdivision certificate), to council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed.

The applicant will also be required to pay a \$132 inspection fee. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification.

### 13.15 NSW Local Police Matters

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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13.15.1 Details of the Centre Management are to be forwarded to NSW Local Police, Mount Druitt Local Area Command.

13.15.2 A copy of Evacuation Plan for the development is to be forwarded to the NSW Local Police, Mount Druitt Local Area Command.

Car park:

13.15.3 The CCTV is installed throughout the car park and be to the standard recommended below.

13.15.4 That the lighting is of a white light or similar that best reflects surfaces and supports CCTV recordings.

CCTV:

13.15.5 CCTV footage is in place to cover the external perimeter of the premises, all entrances and exits regularly used by customers, including the carpark from both the main entrance and the rear of the building.

13.15.6 A minimum of two camera's covering field of view of each patron exiting and entering the premises and to be positioned to identify any person entering the premises from the recording.

13.15.7 Each camera is to record at a minimum rate of 10 frames per second at a storage aspect ratio of 720 x 480 pixels being medium resolution and must be in a digital format that can be of a standard that is easily viewed and able to be played on any computer using the Microsoft Operating System.

13.15.8 That CCTV system should be capable of archiving a recording on the hard drive so that it will not be subject to auto deletion. If directed by police, the manager /owner should ensure that recordings are archived until such time as they are no longer required.

13.15.9 At least one authorised person should be at the venue who is capable of accessing the secured CCTV system and is able to immediately download recordings to a compact disk. DVD or memory stick.

13.15.10 That CCTV coverage is 24 hours a day and seven days a week.

13.15.11 The CCTV system should be maintained by a registered security surveillance company, so as to maintain the visual quality of the recordings for the life of the equipment.

13.15.12 The CCTV system shall be secured with in the business and be accessible only to authorised personnel by way of a password, so as to maintain the integrity of the recordings.

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- 13.15.13 Recordings should be able to be selected by any camera, or selection of cameras and for any time period required.
- 13.15.14 Any external cameras have night vision capability to ensure good quality surveillance of the external carpark during the night.
- 13.15.15 Access to, and copies of, recordings from the CCTV system are to be immediately made available upon request to NSW Police.

Lighting:

- 13.15.16 That a security lighting maintenance program is put in place to ensure all lights are kept in working condition.
- 13.15.17 Security lighting must be installed and operating.
- 13.15.18 Lighting must be sufficient to support images obtained from CCTV footage.
- 13.15.19 Light switches for all lights must be located in a secure area within the premises.
- 13.15.20 The power board must be enclosed in a cabinet room.
- 13.15.21 Entry and exit points including stair wells, walkways, garbage bin holding points and letter boxes must be well illuminated.

**13.16 External Finishes**

- 13.16.1 The development approved by Council is to be constructed in accordance with the approved schedule of materials, finishes and colours. All landscaping, fencing, retaining walls and driveways are to be provided in accordance with the approved plans, and the details submitted and approved as part of the Construction Certificate.

**13.17 Ancillary Work**

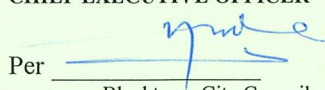
- 13.17.1 The awning must be constructed in accordance with the details submitted as part of the Construction Certificate. The height and width of the awning must comply with the requirements of Council's Maintenance Section unless otherwise specified under this Consent.

**13.18 Pavement Treatment and Awnings**

- 13.18.1 Prior to the issue of any Occupation Certificate, the pavement treatment along the Elara Boulevard frontage are to be completed to Council's Manager Civil and Park Maintenance satisfaction.
- 13.18.2 The awnings must be constructed in accordance with the details submitted as part of the Construction Certificate. The height and width of the awning must comply

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with the requirements of Council's Civil and Park Maintenance section.

**13.19 Lighting**

- 13.19.1 All lighting is to comply with relevant Australian Standards, including Australian Standard 4282 to ensure no spillage of light affecting the amenity of adjoining residential properties.

**13.20 Street Lighting**

- 13.20.1 All street lighting proposed to be relocated on the corner of Northbourne Drive and Elara Boulevard shall comply with Category V5 and AS/NZS 1158  
The applicant shall engage a Level 3 Accredited Service Provider to assess the proposal at no cost to Council. This assessment shall comply with Endeavour Energy requirements.

**13.21 Shopping Trolley Containment**

- 13.21.1 An Operational Plan to clearly outline the trolley containment system, in accordance with Council's Abandoned Shopping Trolley Policy (P000497), and nominates either a coin/token operated system with refund or trolley system with wheel locks activated by a radio signal or magnetic strip.

**13.22 Childcare Service Approval**

- 13.22.1 The operator of the childcare centre shall obtain a Service Approval from the Department of Education.

**14 Prior to Subdivision Certificate**

**14.1 Engineering Matters**

**14.1.1 Surveys/Certificates/Works As Executed plans**

- 14.1.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed, in a colour softcopy format (.PDF). All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works (including works under the *Roads Act 1993* and the *Local Government Act 1993* covered by this Development Application).
- 14.1.1.2 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 14.1.1.3 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- a) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.

14.1.1.4 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

14.1.1.5 Structural certification 'as built' by a qualified Engineer (NER) for all structural items approved by the scope of this consent. This relates to the following components:

- a) Retaining walls over 0.6 m in height

14.1.1.6 A Certificate shall be submitted by a suitably qualified geotechnical engineer verifying that any fill material imported to site is virgin excavated natural material (VENM) or (ENM).

#### 14.2 Easements/Restrictions/Positive Covenants

14.2.1 Any easement or restriction created as a result of this consent must be in accordance with the following:

- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
- (b) The standard format for easements and restrictions as accepted by NSW Land Registry Services (LRS).

14.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system and outlet works. Documentary evidence of this lodgement shall be submitted to Council.

14.2.3 The creation of a reciprocal rights of way over the access to the following nominated lot(s) with the following nominated width under Section 88B of the *Conveyancing Act 1919*.

Nominated Lot(s) to be burdened and benefited accordingly are: Proposed lot 1 and 2

Nominated Width: Variable

A positive covenant for the "Maintenance and Repair of the Shared Access" is to be included in accordance with Blacktown City Council recitals for terms of Easements and Restrictions (Current Version).

14.2.4 A restriction as to User with Council's standard wording must be placed on all filled lots

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- 14.2.5 All relevant Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

**14.3 Inspections**

- 14.3.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

**14.4 Road Damage**

- 14.4.1 The cost of repairing any damage caused to Council's assets in the vicinity of the subject site as a result of the development works be met in full by the applicant/developer.

**14.5 Service Authority Approvals**

- 14.5.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Subdivision Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the plan of subdivision.

**14.6 Fee Payment**

- 14.6.1 Any fee payable to Council as part of any Construction, Compliance or Subdivision Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

**14.7 Final Plans**

- 14.7.1 The submission of a final plan of subdivision, together with 7 exact copies and the appropriate fee. The final plan of subdivision will not be released until all conditions of this determination have been complied with.

**14.8 Consent Compliance**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.  
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- 14.8.1 A Subdivision Certificate shall not be issued until all conditions unless agreed to by Council or allowed by other conditions of this consent have been satisfied.

**14.9 Voluntary Planning Agreement**

- 14.9.1 Prior to the issue of any subdivision certificate, any relevant obligation required by the applicant in the Marsden Park Neighbourhood Centre Planning Agreement (SPP-19-00002, Precinct 1) must be completed.

Evidence of compliance to this condition when applying for the subdivision certificate must be provided. This condition will not be satisfied until Council's Manager Developer Contributions has given its written certification to this effect.

**14.10 Special Infrastructure Contribution**

- 14.10.1 A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

**More information**

Information about the special infrastructure contribution can be found on the Department of Planning's website:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/guage/en-US/Default.aspx>

Prior to the issue of any Subdivision Certificates, evidence that the special infrastructure contribution payment has been made is to be submitted to Council.

Please contact the Department of Planning and Environment regarding arrangements for the making of a payment.

Note: This condition is for information purposes only.

**15 Operational (Planning)**

**15.1 Hours of operation**

The hours of operation of the development shall not be outside of the following nominated times.

Any alteration to these hours will require the separate approval of Council.

Approved hours of operation are:

- a. Childcare Centre: 6am to 6:30pm Monday to Friday,
- b. Community Centre: 8am to 12 midnight, 7 days a week with the exception of

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New Year's Eve: 8am to 2am,

- c. Retail and dining tenancies: 7am to 10pm Monday to Sunday,
- d. Gymnasium: 24 hours, 7 days a week,
- e. Medical centre: 7am to 9pm Monday to Friday and 8am to 9pm Saturday, Sunday and public holidays,
- f. Supermarket 6am to 12pm Monday to Sunday, with loading dock operations from 7am to 10pm Monday to Sunday.

## 15.2 Access/Parking

15.2.1 All required off-street car parking spaces and internal driveways shall be maintained to a standard suitable for the intended purpose.

15.2.1.1 Two trucks are not to use Harvest Street at any one time. This is to be carefully managed through the timing of trucks in the applicant's operational plan of management.

15.2.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.

15.2.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

15.2.4 The introduction of any paid parking scheme will require separate approval from Council.

15.2.5 The entry/exits to the car parking areas shall remain open, any boom gates or gated entry/exit will require separate approval by Council.

15.2.6 Any proposed fence/side boundary fence/landscape elements on either side next to the proposed driveways must not exceed 900mm in height for a length of 2.5m from the property boundary within the property boundary and 2.0m along the property boundary (see Figure 3.3 AS2890.1) to ensure safety of pedestrians on footpath.

## 15.3 General

15.3.1 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.

15.3.2 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.


15.3.3 Emission of sound from the land shall be controlled at all times so as to not

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- (c) It is in the public interest that they be imposed.

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unreasonably impact upon nearby owners/occupants.

- 15.3.4 Any nuisance created by the use of any aerial or transmitting or receiving equipment associated with the development shall be addressed to the satisfaction of the Spectrum Management Agency.
- 15.3.5 The use of the land shall not adversely affect the amenity of the adjacent residential area.
- 15.3.6 No goods, materials or trade wastes are to be stored at any time on public lands or on the internal vehicular driveway, car parking area, landscaping or footpath, other than in approved garbage receptacles.
- 15.3.7 No goods, materials, or trade waste shall be stored on public lands or in an area outside of that approved under this consent unless in approved garbage receptacles.
- 15.3.8 No goods or materials shall be stored, displayed for sale or manufactured at any time fronting public lands outside the building.
- 15.3.7 Arrangements shall be made for an effective commercial refuse removal service.

#### 15.4 Landscaping

- 15.4.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 15.4.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.
- 15.4.3 The management of vegetation, gardens, planter boxes, communal areas and other similar areas is to be incorporated within the future Centre Management Plan once the development is occupied.

#### 15.5 Use of Premises

- 15.5.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.

#### 15.6 Other Matters

- 15.6.1 Approval is given only for the care of a maximum of 121 places (12 children aged 0-1 years, 24 children 1-2 years, 25 children aged 2-3 years and 60 children ages 3- 5 years).
- 15.6.2 Separate Council approval is required for any changes to the age group of children. Any proposal for an increase in children numbers may require additional car parking to be provided on site.

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- 15.6.3 The use of the premises is to comply at all times with the requirements of the Service Approval from the Department of Education.
- 15.6.4 All childcare centre staff members are to park on the premises at all times utilising the designated staff car parking spaces. At no times are staff to park on the street or in the designated on site visitor car parking spaces. Parents dropping off/picking up children are to be directed to park on the premises rather than on the street, through the Plan of Management.
- 15.6.5 The air conditioning units are to be placed in a position that is inaccessible to children and meet acoustical requirements under the referenced Acoustic Report and not adversely impact on any residential property adjoining the child care centre.

**15.7 Lighting and Security**

- 15.7.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 15.7.2 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 15.7.3 The maintenance of all external lighting is to be managed by way of an annual service agreement to ensure the security of the building and persons within are not compromised from dark or uncontrolled public areas.
- 15.7.4 Sightlines must be kept free from obstructions. If a lack of natural surveillance occurs this would quickly encourage anti-social behaviour and criminal offences specifically malicious damage to the area. The 'fear of crime' would also no doubt increase if there is sign of malicious damage, rubbish, broken bottles etc. around the development. Regular maintenance and up-keep of the site must therefore be adhered to at all times.

**15.8 Waste**

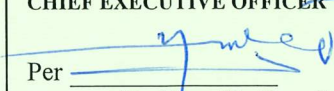
- 15.8.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 15.8.2 The Centre Management will be responsible for ensuring that clear access is provided to waste collection trucks entering the property.
- 15.8.3 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction
- 15.8.4 Ongoing management of waste for the site must be in accordance with the waste requirements outlined in the approved waste management plan as submitted and approved by Council prior to the issue of a construction certificate.

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**15.9 Emergency Procedures**

- 15.9.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed throughout the development for both public and staff information at all times to the satisfaction of Council.

**16 Operational (Environmental Health)**

**16.1 Environmental Management**

All Premises

- 16.1.1 The recommendations provided *Operational Noise Assessment, prepared by Renzo Tonin & Associates (NSW) Pty Ltd, report no. TJ956-04F01 (r1) Noise Report, dated 20 March 2019* must be implemented.
- 16.1.2 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Noise Policy for Industry (2017) and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.
- 16.1.3 A post commissioning report produced by an independent organisation that is eligible for membership with the *Association of Australian Acoustic Consultants* within 3 – 6 months of the centre operating to validate the Acoustic reports findings.
- 16.1.4 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 16.1.5 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 16.1.6 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 16.1.7 To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10pm and 7am.
- 16.1.8 All waste and recycling bins must be stored wholly within the approved waste

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storage areas. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

16.1.9 The Medical Centre premises when operational shall be maintained in accordance with the requirements of;

- *Public Health Act 2010*
- *Public Health Regulation 2012*

Childcare Centre

16.1.10 The food premises shall be maintained in accordance with the requirements of;

- Food Act 2003 and Regulations there under.
- Australian Standard 4674-2004 *Design, construction and fit-out of food premises.*

16.1.11 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.

16.1.12 The premises is to be registered with Council as a food business.

**17. Operational NSW POLICE**

The following conditions imposed by NSW Police shall be implemented and adhered to at all times.

Surveillance:

17.1 All planting of landscaping to be regularly maintained to a height that allows clear sight lines and to prevent concealment points within the car park and building surrounds

Territorial Re-enforcement:

17.2 Fire exit doors must be self-closing with regular inspections and maintained in working order.

17.3 Fire exit doors must be free from rubbish and other obstructions that hinder evacuation.

Landscaping:

17.4 Vegetation must be kept and maintained at a suitable level to give clear sight lines and prevent concealment points

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Building Design:

- 17.5. There must be adequate steps taken to ensure that person(s) cannot utilise the design of the building to climb from the outside.
- 17.6 That entry/exit points to the building are secured and access granted with the use of a security swipe card or other electronic security system.
- 17.7 Alcoves or recesses must be monitored by CCTV and lighting.
- 17.8 Garage bays must be locked to restrict unauthorised access.
- 17.9. There must be a 'Rapid Removal' Policy for graffiti.
- 17.10. There must be graffiti resistant materials used in the construction (masonry garden walls and fencing)

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