

Conditions of consent (draft)

Proposed development	Demolition of existing structures and the construction and operation of a single storey centre-based childcare facility (accommodating 106 children and 17 staff members) with 29 basement and 7 at-grade car parking spaces, and associated retaining walls and landscaping works.
Property description	Lot C DP 100797, 54 Westminster Street, Schofields

0 Deferred Commencement Matters

- 0.1 This Development Consent is not to operate until such time as:
- Provide evidence of registration from Land Registry Services NSW of a 1.5 m wide drainage-easement-in-gross with a Restriction to User burdening Lot 1652 DP 574523 along the southern boundary from Lot C DP 100797 extending to the existing Council drainage easement generally in accordance with the requirements of the Council's Engineering Guide for Development 2005.
- 0.2 All of the requirements listed in the above condition must be completed within 24 months of the date of this "Deferred Commencement" consent. Should these matters not be completed to Council's satisfaction within this time period, this "Deferred Commencement" consent will lapse.

1 Advisory Notes

1.1 Terminology

- 1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.
- 1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 6.3, 6.4 and 6.16 of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

- 1.2.1 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

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 and any tree(s) located greater than 3 metres from the building perimeter, and
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
- (c) the installation of vehicular footway crossings servicing the development, and
- (d) the erection of any permanent / structural play equipment not indicated on the approved plans, and
- (e) the installation of any signage, and
- (f) the erection of any outdoor storage structures or shade structures not indicated on the approved plans.

1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

1.3.4 If any aboriginal objects are found during construction, work is to cease immediately. The office of Heritage is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of the office of Heritage. No further works are to be undertaken on the site without the written consent of the office of Heritage.

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).

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, 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 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 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.

- 1.4.3 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.

1.5 **Tree Planting and Service Locations**

- 1.5.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.

Street tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

- 1.5.2 The responsibility for the removal of one street tree and all costs associated with the removal is to be met by the applicant. Removal of the tree must be undertaken by a suitably qualified Arborist, who holds a minimum \$20 million public liability insurance policy.

1.6 **Identification Survey**

- 1.6.1 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.

1.7 **Other matters**

- 1.7.1 Approval is given for the care of a maximum of 106 children consisting of (32 children aged 0 – 2 years, 37 children aged 3-4 years, and 37 children aged 4 – 5 years). Any increase to the number of children will require further separate approval of Council which will require additional on-site car parking to be provided.

1.8 **Engineering Notes**

- 1.8.1 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 Construction Certificate or Subdivision Works Certificate.

1.9 **Payment of Engineering Fees**

- 1.9.1 If the applicant wishes for Council to issue the Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate/Subdivision Works Certificate the applicant must:

- Complete application form

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

1.10 **Other Matters**

- 1.10.1 Each year before 1 September the registered proprietor is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the rainwater tank in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

1.11 **Road Damage**

- 1.11.1 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:
- 2.1.2 This consent authorises the use of the completed approved building for the following purposes, subject to full compliance with all other conditions of this consent:
- Child care centre for a maximum of 106 children and 20 staff.
- 2.1.3 This consent does not authorise the use of the land for Child Care purposes unless the operator and all employees are in possession of current licences from the NSW Family and Community Services.

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: Schofields

2.4 **Other Matters**

- 2.4.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 2.4.2 Any future substation or other utility installation, including easement impositions required to service the approved development must not under any circumstances be sited on future or existing Council land, including, but not limited to road reservations, drainage land and/or public reserves. Any proposal to locate a proposed substation, easement or other utility installation on Council land must be negotiated with and fully endorsed by the relevant Council Directorates.
- 2.4.3 There shall be no parent/children entry/exit via the side gate near the store room along the eastern boundary at any time.

2.5 Engineering Matters

2.5.1 Design and Works Specification

2.5.1.1 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
- (e) Blacktown City Council On Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M
- (f) On Site Stormwater Detention Handbook - Upper Parramatta River Catchment Trust FOURTH Edition.

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

Any 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.

2.5.2 Other Necessary Approvals

2.5.2.1 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)

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.

2.6.3 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Blacktown City Council Growth Centre Precincts Development Control Plan for the entire site:

Required percentage reductions in post development average annual load of pollutants

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	85
Total Phosphorous	65

Total Nitrogen	45
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2.6.4 The registered proprietor/lessee is to provide to Council's WSUD Compliance Officer a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.

2.6.5 Each year the registered proprietor/lessee is to provide to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au a report outlining all non-potable water used annually and the percentage of non-potable reuse. Based on modelling it is agreed that for non-potable reuse that the rainwater tank is achieving minimum 80% reuse with a minimum reuse supplied of 0.32 ML/yr,

2.7 Signage

2.7.1 No signage is approved as part of this development therefore no signs shall be erected on the subject property unless they meet the requirements of being 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 without separate and formal approval of Council.

3 Prior to Construction Certificate (General)

3.1 DA Plan Consistency

3.1.1 A Construction 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.

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;

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.

3.2.2 To ensure safety of children, staff and visitors to the site bollard lighting along all pathways is to be provided. Details of all lighting are to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

3.3 Section 7.11 Contributions under Section 7.17 Direction

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 18 November 2021. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision 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 \$10,000.00 are

levied a 0.5% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Amount	Relevant C.P.
Traffic Management	\$32,555.00	20
Total	\$32,555.00	

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

S7.11 CP No. 20 - Riverstone & Alex Avenue Precincts

The Section 7.11 contribution(s) have been based on the total developable area, nominated below. Should the final plan of survey indicate any change in the total developable area the Section 7.11 contribution(s) will be adjusted accordingly.

Developable Area: 0.1877 hectares

3.4 Service Authorities

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

- (a) A "Notification of Arrangement" Certificate from energy provider, or any other recognised energy provider, stating that arrangements have been made with the servicing 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 Infrastructure before a Subdivision 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/PlanningSystem/DevelopmentContributionsSystemabd/75/quage/en-US/Default.aspx>

4 Prior to Construction Certificate (Environmental Health)

- 4.1 Plans and specifications submitted for issue of a Construction Certificate 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*.
- 4.2 The recommendations provided in the *Acoustic Assessment Report*, (Ref: 1020230) prepared by Acoustic Works, dated 21 December 2020 (*amended June 2021*) shall be implemented.
- 4.3 The recommendations provided in the *Salinity Investigation Report*, (REF-7547-19) prepared by EnviroTech Pty Ltd, dated 13 March 2019 shall be implemented.
- 4.4 Submit to Council a Remediation Action Plan (RAP) to be completed by an appropriately qualified consultant.
- 4.5 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;
 - NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (2020)
 - NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).
 - NSW Environment Protection Authority's "Contaminated Sites: Guidelines for NSW Site Auditor Scheme" 3rd edition (2017)
 - National Environment Protection Council "National Environment Protection (Assessment of Site Contamination) Measure" (2013)
- 4.6 Submit to Council, a clearance certificate issued by a suitably experienced occupational hygienist.
- 4.7 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 L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured
 - i. at the most effected point on or within any residential property boundary or
 - b) at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates. 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.

The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

5 **Prior to Construction Certificate (Planning)**

5.1 **Aesthetics/Landscaping**

- 5.1.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.

- 5.1.2 All bathrooms, w.c. and laundry windows in the external walls of the building shall be fitted with translucent glazing.
- 5.1.3 Prior to the issue of any construction certificate an amended landscape plan is required to be submitted to Council for approval that incorporates street trees to be installed on Westminster Street at approximately 8 metre spacings, taking into account vehicle sightlines and street light spill. The street trees are to be installed to Council's specifications including the use of root directors installed to manufacturer's directions using the species *Lophostemon confertus*.

5.2 Fencing

- 5.2.1 All boundary and internal fencing shall be constructed in accordance with the approved plans (as marked on the site plan) and acoustic report. All fencing must be certified that it meets the requirements for a child care centre. All fencing is to be provided at full cost to the developer.

5.3 Access/Parking

- 5.3.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 5.3.2 A minimum of 43 car parking spaces for the child care centre, being 23 staff (including the cook) parking spaces, and 20 visitor car parking spaces including 1 disabled person car parking space (with shared zone) are required to be provided and are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1. All visitor spaces must be accessible at all times whilst the child care centre is in operation.
- 5.3.4 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.
- 5.3.5 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard.
- 5.3.6 The access driveway, ramps, circulation aisles and parking arrangements are to be in accordance with AS 2890.1 & AS 2890.6.

5.4 NSW POLICE

5.4.1 Building Design

- 5.4.1.1 Bollards shall be installed along the perimeter of the front of the childcare centre, opposite the 7 carparking spaces and in the ground carparking spaces to prevent any vehicle colliding with the building.
- 5.4.1.2 Bollards shall be of solid construction.

5.4.2 Fences & Gates

- 5.4.2.1 The security gate shall be installed before the entry of the underground parking area that can be closed and locked after hours/when not in use.
- 5.4.2.2 Gates shall be secured with quality locks which comply with the Australian Standards, Lock Sets, AS: 4145 to restrict access. They must be and regularly maintained to assist with the protection of the property and to restrict unauthorised access into this area.

5.4.3 Doors and Windows

- 5.4.3.1 All external doors and frames to the business should be made of solid construction. The should all be fitted with locks that comply with the Australian Standards: Lock sets AS4145.
- 5.4.3.2 The fire exit doors need to comply with the Building Code of Australia (fire regulations).
- 5.4.3.3 Windows not only let in light and air but can also let in a thief if their design and placement is not carefully considered. Windows and frames within a business shall be of solid construction. Glass within windows can be reinforced by either having a shatter-resistant film adhered to the existing glass, or by replacing the existing glass, or by having a metal security grilles or shutters installed to restrict access.
- 5.3.3.4 Display windows shall be covered with no more than 15% of promotional materials to increase surveillance opportunities to and from the business.
- 5.3.3.5 The skylights all shall be re-enforced to restrict access via this roof area/s.

6 Prior to Construction Certificate (Building)

6.1 Building Code of Australia Compliance

- 6.1.1 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).

7 Prior to Construction Certificate (Engineering)

7.1 General

- 7.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate or Subdivision Works Certificate can be issued.
- 7.1.2 Where this consent requires both subdivision and building works to be undertaken, no construction certificate for building works is to be issued until all subdivision works have been completed to the satisfaction of Council, and the Subdivision Certificate issued. This includes future public infrastructure such as roads and road drainage systems as well as any engineering infrastructure required to serve the road and road drainage system, including temporary onsite stormwater detention (OSD) and Water sensitive Urban Design (WSUD) located on privately owned land.

For temporary OSD and WSUD located on privately owned land, the registration of all associated easements/restrictions and positive covenants of said infrastructure is required prior to any building works construction certificate being issued.
- 7.1.3 The engineering drawings referred to below are not for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a section 4.55 application

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

Prepared By	Project No.	Drawing No.	Sheet No.	Issue	Dated
Engineering Studio	19095	C00.01	1 to 10	N	21.09.2021
		C01.01			
		C02.01			
		C02.02			
		C02.03			
		C02.04			
		C02.05			
		C02.06			
		C02.07			
		C02.08			

The following items are required to be addressed on the Construction Certificate plans:

- i. Update the stormwater drawing no. C02.01 (Rev N) with following items:
 - a. Direct the 225 mm pipe from pit 4/1 to independently connect to the Stormfilter chamber, clear of the pipe from pit 2/1.
 - b. Provide a note to make it clear that the downpipe(s) to the south-east of the detention tank do NOT connect into the trench grate.
 - c. Increase the size of the proposed rainwater tank (RWT) to 40kL (2 x 20,000 L).
 - d. Upsize the dimension of stormwater grated drain located within the rear play area to 200mm wide.
 - e. Provide a new pit 2/5A at the connection point of the 225 pipe with the trench grate. Direct the 100 mm pipe from pit 3/1 to pit 2/5A and not straight into the trench grate.
 - f. Show a crest within the driveway (/entrance) that has 0.3m clearance above the directly opposite existing gutter invert level to avoid nuisance flooding issues.
 - g. Show in clear line type with notes, 150mm kerb around the south east and south west boundary tracing in between opposite drainage pit 2/5 to 2/6. Alternatively show the retaining wall 150 mm higher and note a finished internal ground level (FGL) 150 mm lower.
 - h. Allow additional 50mm flow depth within swale typical sections (i.e. for 'Swale 1' typical section, show flow depth of 150mm below natural surface level at the boundary instead of 100mm excluding 50mm freeboard to top of retaining wall) allowing to capture upstream catchments surface flows and lower the grate levels (drainage pits 7/1, 7/2, 7/3, 7/4, 7/5, 7/6, 6/1 and 6/2) by 50mm sitting within proposed swale.
- ii. Update the stormwater drawing no. C02.02 (Rev N) with following:
 - a. Update the RWT size of 40kL (2 x 20,000 L) along with the notes
 - b. Provide a typical section across proposed RWTs include the interconnecting pipe details set a minimum 100 mm above the base level.
 - c. Provide details of rainwater tank pre-treatment.

- d. Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks in accordance with Council's Engineering Guide for Development 2005
- iii. Update the drawing no. C02.03 (Rev N) with following:
 - a. Under the heading for "STANDARD TRASH SCREEN" add below "FOR 100 YEAR ARI ORIFICE".
 - b. Provide an additional detail for the maximesh trash rack for the 150mm opening at the bottom of the OSD tank to the Stormfilter chamber. This trash rack requires a minimum area of 0.9 m2. Identify this rack.
 - c. In Section 1 remove the high-level overflow pipe of 300mm diameter sitting at RL 34.80 as unnecessary and not in accordance with WSUD standard drawing A(BS)175M sheet 23.
 - d. On Section 2 show the baffle extending to a minimum of 150 mm above the emergency overflow weir level.
 - e. Remove "MAX WATER LEVEL RL =34.80" from both OSD sections 1 and 2.
 - f. On the "ON-SITE DETENTION LAYOUT PLAN" show the access grate to the Stormfilter chamber repositioned onto the south-west wall to be clear of the baffle. Amend drawing no. C02.01 (Rev N) accordingly.
 - g. On the "ON-SITE DETENTION LAYOUT PLAN" amend the note regarding the Stormfilter access grate to say "... WELDED OVER ACCESS GRATE".
 - h. On the "ON-SITE DETENTION LAYOUT PLAN" show the outlet pipe as 300 mm.
 - i. On the "ON-SITE DETENTION LAYOUT PLAN" show the shaded Stormfilter weir extents continuing to the Overflow Pit wall as per Section 2.
 - j. On the "ON-SITE DETENTION LAYOUT PLAN" and Section 2 show the twin 225 inlet pipes to the Stormfilter chamber.
 - k. On the "ON-SITE DETENTION LAYOUT PLAN" show a new section 3 through the centreline of the 150 mm non-return pipe. Provide section 3 showing the 150 mm pipe, the screen on the OSD side, the non-return flap together with the Stormfilter weir and baffle (full height) with dimensions.
 - l. l) Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks and detention tank in accordance with Council's Engineering Guide for Development 2005.
 - m. Provide on-site detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.
- iv. Update the drawing no. C02.04 (Rev N) with following:
 - a. The minimum storage and dual alternating pump requirements for the basement car park is to satisfy AS/NZS 3500.3:2015 – Plumbing and Drainage Part 3: Stormwater Drainage.
 - b. Delete, or significantly amend the rainwater reuse schematic in accordance with the later conditions of consent. The arrangement as currently shown does not represent the rainwater reuse requirements for this site.

- v. On the drawing no. C02.05 (Rev N), update the flow depth of the proposed swales located along eastern boundary to capture upstream catchment's surface flows.
 - a. For 'Swale 1' typical section, show flow depth of 150mm below natural surface level at the boundary instead of 100mm.
 - b. For 'Swale 2' typical section, show flow depth of 200mm below natural surface level at the boundary instead of 150mm
 - c. For 'Swale 3' typical section, show flow depth of 150mm below natural surface level at the boundary instead of 100mm
- vi. Update the drawing no. C02.06 (Rev N) with OSD catchment plan consistent with the title of the drawing and remove all other site layouts.
- vii. An experienced Drainage Engineer registered with NER and supported by hydraulic modelling is to certify that the internal drainage system is capable of carrying the 100year ARI flows without surcharge at any pits to OSD tank.
- viii. Due to the cut and/or fill exceeding 1.5 m, a desktop Groundwater Assessment Report is required for the site in accordance with section 4 of Council's WSUD developer handbook. Where there is the potential for interaction with groundwater, a Groundwater Management Plan must be prepared by a Geotechnical Engineer registered with NER.
- ix. Provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail are to be generally in accordance with Section 14 of Council's WSUD developer handbook and be approved by Council.
- x. An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the site including all toilet flushing and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:
 - a. A first flush or pre-treatment system
 - b. A pump with isolation valves
 - c. A solenoid-controlled mains water bypass
 - d. Flow meters on the solenoid-controlled mains water bypass line and the pump outflow line, to determine non-potable usage and actual percentage reuse
 - e. An inline filter and preferably an automatic backwash inline filter
 - f. A control panel with warning light to indicate pump failure.
 - g. Provide a minimum of six external taps for landscape watering. One in the front landscape area, one in each rear corner, one near the semi-covered outdoor activity play area on the southwest side and two more in the north-east side landscaped swale area.
 - h. Providing a minimum tank size of 40kL below overflow
 - i. Ensuring all the rainwater reuse pipes and taps are coloured purple.
 - j. All reuse taps accessible by children are to be lockable or have removable handles.
 - k. Fitting warning signs to all external taps using rainwater

- xi. Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
 - a. 4 star dual-flush toilets;
 - b. 3 star showerheads;
 - c. 5 star taps (for all taps other than bath outlets and garden taps);
 - d. 3 star urinals; and
 - e. 3 star water efficient washing machines and dishwashers are to be specified.
- xii. Vehicular crossings to be min 6 m at kerb and gutter and 4 m at property boundary and to be min 1 m clear of all pits, kerb outlets and utilities.
- xiii. All pipes to be at min. 1% grade
- xiv. Pit 6/1 appears to be draining from IL to 35.57 to IL 36.17 and pit 6/2 appears to be draining from IL 36.43 to 35.37.
- xv. The RHS line across the footway to be min 150 mm wide, connection to be perpendicular to kerb connection as per Engineering Guide Section 4.12.
- xvi. Show pipe type for all pipes e.g. PVC, RCP.
- xvii. All IAD pipes to have min. 300 mm cover and min 300 mm clear of any structural or drainage element associated with any retaining walls.
- xviii. Confirm pit 3/1 IL.
- xix. Proposed easement width is inadequate for indicated pipe size and is to be resized in accordance with Engineering Guide Section 2.19.
- xx. Confirm existing easement width. Demonstrate existing benefit from this easement or written consent to benefit from it from affected owner.
- xxi. Provide engineering details of the proposed retaining walls, including elevation, typical cross-section from Structural Engineer.

7.2 Construction Certificate Requirements

7.2.1 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:

- On-site stormwater detention
- Water quality treatment
- Inter-allotment drainage (created within the subject lot)

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

7.3 Local Government Act Requirements

7.3.1 Under *Section 68 of the Local Government Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Any works within a Council Reserve
- Any works on adjoining land (outside the subject site boundaries)
- Inter-allotment drainage on adjoining land

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

7.4 Other Engineering Requirements

- 7.4.1 If the estimated cost is \$25,000 or greater proof of long service levy payment is required.
- 7.4.2 Any ancillary works undertaken shall be at no cost to Council.
- 7.4.3 Submit written permission from the affected property owner for any works proposed on adjoining land.
- 7.4.4 Submit written evidence from the Roads and Maritime Services indicating compliance with all necessary requirements.
- 7.4.5 Submit written evidence from Sydney Water indicating compliance with all necessary requirements.
- 7.4.6 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

7.5 Drainage

- 7.5.1 Drainage from the site must be connected into Council's existing drainage system.
- 7.5.2 Provide inter-allotment drainage lines for lots that do not drain directly to a public road. The design shall include pipeline long-sections and identify location and levels of services.
- 7.5.3 Footings adjacent to easements shall not place a load on the pipe within the easement. Footings shall be:
 - (a) at the depth of the invert of the existing pipeline,
 - (b) at the depth of the invert of any proposed pipeline
 - (c) designed and certified by a practising NER structural engineer to ensure the above is satisfied

All development shall be kept clear of drainage easements. The surface levels within the easement are not to be changed.

- 7.5.4 Pier and beam style construction shall be used adjacent to easements to the depth of the invert of the proposed or existing pipeline. A Registered Engineer (NER) shall certify that this condition has been satisfied.
- 7.5.5 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.
- 7.5.6 Provide a roof water outlet to kerb for each proposed lot that drains to the street.
- 7.5.7 Where the internal driveway cannot be drained to an internal pit a grated trench drain shall be provided at the property boundary.
- 7.5.8 Submit a certificate from a registered engineer (NER) certifying the building has been designed to withstand the forces of floodwaters and the impact of any flotsam likely to be carried by such floodwaters.

7.6 Erosion and Sediment Control

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

7.7 Earthworks

- 7.7.1 Retaining walls shall be a maximum single height of 1.2 m (600 mm cut + 600 mm fill). Where a retaining wall is proposed that is more than 1.2 m in height, a terraced solution shall be provided. Terraces should not exceed 900 mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

7.8 On-Site Detention

- 7.8.1 On-site detention system shall be designed in accordance with the parameters set out in Council's Water Sensitive Urban Design Standard Drawings A(BS)175M On-site detention requirements - Sheet 20, or an S3QM Certificate

7.9 Stormwater Quality Control

- 7.9.1 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.

7.10 Vehicular Crossings

- 7.10.1 Plans to demonstrate the construction a commercial and industrial vehicular crossing to Council's standard A(BS)103S. Note: The boundary level shall be 4% above the top of the existing kerb.

8 Prior to Construction Work Commencing

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 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 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 8.1.5 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.
- 8.1.6 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 8.1.7 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.
- 8.1.8 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.
- 8.2.2 At least 5 full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$10,000,000.

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, sewers or stormwater channels.

OR

The approved plans are to be submitted to a Sydney Water Customer Centre or Quick Check Agent, 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 Quick Check Agent details, please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

8.4 Hazardous Materials and Waste

- 8.4.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the NSW WorkCover Authority under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be lodged with Council.
- 8.4.2 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling.

9.0 Prior to Demolition Works

9.1 Safety/Health/Amenity

- 9.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.
- 9.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 9.1.3 Should the demolition work:
- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
 - (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (c) involve the enclosure of a public place,
- a hoarding or protective barrier shall be erected between the work site and the public place or adjoining land or place. Such hoarding or barrier shall be designed and

erected in 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 or adjoining land or 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.

- 9.1.4 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, and
- (b) connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

- 9.1.5 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

9.2 **Site Investigation**

A qualified Site Auditor accredited by NSW Department of Environment and Conservation (under the provisions of the Contaminated Land Management Act 1997) shall be engaged to undertake an investigation of the land to ascertain if the site has been affected by any contaminants (including, but not limited to, asbestos, organochlorins, arsenic, lead, petroleum residues and the like) that may be detrimental to the health of any future occupants and/or workers. The report shall identify the contaminants (if applicable) and shall make recommendations on the method of remediation of the land.

9.3 **Other Matters**

- 9.3.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 2 days prior to the intended work and include the following information:

- date/s, hours and duration of the works.
- contact name and phone number of the applicant
- contact name and phone number of the licensed demolisher
- WorkCover NSW contact number 131050, and email address contact@workcover.nsw.gov.au

9.4 **Environmental Health Demolition Stage**

- 9.4.1 A Hazardous Materials Survey (HMS) should be prepared for the site prior to demolition of any onsite structures, with any control measures outlined in the report to be implemented during demolition of structures. Should hazardous building materials

be identified by the HMS, asbestos materials clearance certificate, as required by the Work Health and Safety Regulation 2017, is to be obtained from a suitably experienced occupational hygienist.

- 9.4.2 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority's *Waste Classification Guidelines* (2014)

10 During Construction (Building)

10.1 Safety/Health/Amenity

- 10.1.1 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.
- 10.1.2 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.
- 10.1.3 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.
- 10.1.4 Soil erosion and sediment control measures (including the connection of roof water downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.
- 10.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 10.1.6 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 10.1.7 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.

- 10.1.8 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.
- 10.1.9 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.
- 10.2 **Building Code of Australia Compliance**
- 10.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 10.3 **Surveys**
- 10.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 10.3.2 A registered surveyor's report indicating that the required minimum Australian Height Datum floor level has been achieved, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.
- 10.3.3 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.
- 10.4 **Nuisance Control**
- 10.4.1 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.
- 10.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 10.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.
- 10.5 **Stormwater Drainage**
- 10.5.1 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 225mm above the adjoining finished ground level, and/or
 - (b) being drained to an effective drainage system.
- 10.6 **Waste Control**

- 10.6.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

10.7 **Construction Inspections**

- 10.7.1 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 Certifying Authority.

Any inspection conducted by an accredited other than the nominated PCA 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.

10.8 **Vehicular Crossings**

- 10.8.1 Any vehicular crossing of the footway shall be maintained a minimum of 6m from the tangent point of the kerb return on a corner allotment. The vehicular crossing shall also be maintained at least 1m clear of any stormwater gully pit and clear of any other utility surface infrastructure.

10.9 **Site Cut and Fill levels**

- 10.9.1 The extent of cut and fill on the development site is restricted to that which is indicated on the approved plans. The maximum height of fill on the development site shall be 600mm and the maximum height of cut shall be 900mm.

Any ground re-shaping by cut and/or fill shall not compromise the structural integrity of any adjacent building, structure or service conduit on the subject or adjoining land.

10.10 **Other Matters**

- 10.10.1 In order to achieve a satisfactory level of fire safety for the proposed cafe, the existing building should be upgraded to satisfy the requirements of Clause 94 of the Environmental Planning and Assessment Regulation 2000 and the proposed change of use from a single dwelling (class 1a) to a community centre (class 9b). The existing building will require the installation of an emergency lighting system, exit signs, smoke

alarms and a portable fire extinguisher in accordance with the relevant Australian Standard. The required exits must be reconfigured so as to swing in the direction of egress. Or, alternatively the exit doors must also have the latch mechanism comply with Part D2.21 of the Building Code of Australia (BCA).

11 During Construction (Environmental Health)

11.1 Environmental Management

- 11.1.1 An unexpected finds policy (UFP) should be prepared and implemented for the proposed site redevelopment works.
- 11.1.2 The recommendations provided in the *Salinity Investigation Report*, (REF-7547-19) prepared by EnviroTech Pty Ltd, dated 13 March 2019 shall be implemented.
- 11.1.3 The recommendations provided in the Acoustic Assessment Report, (Ref: 1020230) prepared by Acoustic Works, dated 21 December 2020 (amended June 21) shall be implemented.
- 11.1.4 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.
- 11.1.5 Any asbestos material is to be handled and treated in accordance with the WorkCover document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.

12 During Construction (Engineering)

12.1 Notification of Works

- 12.1.1 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.
- 12.1.2 A notification of works flyer (letter drop) is to be provided to all residential housing, businesses and organisations adjacent to any engineering works approved by this consent. This is for works undertaken on Council controlled lands such as roads, drainage reserves and parks. The notification of works flyer must contain details of the proposed works, locality map of works, contact details and the anticipated time period. A signed copy of the notice is to be provided to Council's Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.

12.2 Insurances

- 12.2.1 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.

12.3 Service Authority Approvals

- 12.3.1 Prior to the commencement for construction of footway crossings and driveways a clearance shall be obtained from the relevant telecommunications carriers and Endeavour Energy. The clearance shall notify that all necessary ducts have been provided under the proposed crossing.

12.4 Tree Protection and Preservation

- 12.4.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.

12.5 Soil Erosion and Sediment Control Measures

- 12.5.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.

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

- 12.6.1 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.

12.7 Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993

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

12.8 Public Safety

- 12.8.1 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.

12.9 Site Security

- 12.9.1 Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish.

12.10 Traffic Control

- 12.10.1 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.
- 12.10.2 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.
- 12.10.3 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.
- 12.10.4 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.
- 12.10.5 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.
- 12.11 **Other Matters**
- 12.11.1 A plumber licensed with NSW Fair Trading is to undertake flow testing of the non-potable water reuse system to certify that all the toilets are capable of being supplied by rainwater and that there is no cross mixing, or cross contamination with the potable water supply.
- 12.11.2 The three 200 micron OceanGuards and eight 690 Stormfilter cartridges supplied by Ocean Protect are not to be reduced in size or quantity, nor are they to be replaced with an alternate manufacturer's product.

13.0 During Demolition Works

13.1 Safety/Health/Amenity

- 13.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the works "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 13.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 13.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.

- 13.1.4 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.
- 13.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 13.1.6 Any excavation and/or backfilling associated with the demolition 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.
- 13.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2002 (if applicable)
- 13.1.8 The remaining portions of each structure being demolished shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, shoring, bracing or guys, or any combination of these, shall be provided for stability, where necessary.
- 13.1.9 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 13.1.10 At least one access and egress route shall be made available connecting any undemolished floor to an open space well clear of the structure being demolished. The egress route shall be clearly identified as an emergency exit and maintained clear of obstructions at all times.
- 13.1.11 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 13.1.12 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.
- 13.1.13 Should any excavation associated with the demolition works extend below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 13.1.14 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- 13.1.15 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.

13.2 Nuisance Control

- 13.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the demolition works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 13.2.2 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.
- 13.2.3 The waste material sorting, storing and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of the demolition works.

14.0 Completion of Demolition Works

14.1 Final Inspection

- 14.1.1 A final inspection is required to ascertain compliance with the condition of approval prior to the release of the road damage deposit.

15 Prior to Occupation Certificate

15.1 Road Damage

- 15.1.1 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.

Note: Should the cost of damage repair work not exceed the road maintenance bond Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

15.2 Compliance with Conditions

- 15.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 15.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.
- 15.2.3 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.

15.3 Environmental Health

- 15.3.1 Submit to Council for approval, 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:
 - i. Demonstrates how the chosen noise criteria for the Child Care Centre will be adhered to.

- ii. Ensure children are supervised at all times to minimise noise generated by children.
 - iii. Procedure to minimise carpark noise.
 - iv. Install a contact phone number at the front of the centre so that any complaints regarding Centre operation can be made.
 - v. Initiate a complaint handling procedure.
- 15.3.2 Trading must not commence until an Occupation Certificate for the development has been issued.
- 15.3.3 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*.
- 15.3.4 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.
- 15.4 Service Authorities**
- 15.4.1 A final written clearance shall be obtained from Sydney Water Corporation, energy provider 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.
- 15.4.2 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, 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.
- 15.5 Temporary Facilities Removal**
- 15.5.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 15.5.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 15.5.3 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.

- 15.5.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 15.5.5 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.

15.6 Landscaping/Car Parking

- 15.6.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 15.6.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 15.6.3 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 15.6.4 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.
- 15.6.5 A minimum of 43 car parking spaces for the child care centre, being 23 staff (including the cook) parking spaces, and 20 visitor car parking spaces including 1 disabled person car parking space (with shared zone) are required to be provided and are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1. All visitor spaces must be accessible at all times whilst the child care centre is in operation.
- 15.6.6 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 15.6.7 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 15.6.8 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.
- 15.6.9 The 43 car spaces are to be sign posted to indicate their intended usage (ie. staff parking and visitor parking).
- 15.6.10 Appropriate signage shall be erected at the entry directing the parents and visitors to park on site and not on the street.

15.7 Fire Safety Certificate

- 15.7.1 An interim or final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).
- 15.7.2 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).

15.8 Fee Payment

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

15.9 Street Tree Planting

- 15.9.1 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.
- 15.9.2 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

15.10 Lighting

- 15.10.1 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.

15.11 Engineering Matters

15.11.1 Surveys/Certificates/Works As Executed plans

- 15.11.1 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.
- 15.11.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines.
- 15.11.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.

- 15.11.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 15.11.5 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 15.11.6 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 15.11.7 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.
- 15.11.8 This development requires separate approvals under the Roads Act 1993 and / or Local Government Act 1993. Prior to the issue of an Occupation Certificate, the applicant must obtain written confirmation from Council that these works have been completed to its satisfaction.
- 15.11.9 A Chartered Civil Engineer registered with NER, is to certify that:
- All the requirements of the approved drainage plans have been undertaken;
 - A minimum 40m³ rainwater tank below overflow has been provided collecting roof water from a minimum 868m² of roof area.
 - The minimum detention storage of 70 m³ has been provided below the 1.5year ARI weir and a total of 106m³ has been provided below the 100year ARI emergency overflow weir.
 - For the detention basin the 100year orifice discharge does not exceed 5.52 l/s at the emergency overflow weir level.
 - The interpretative water quality sign has been correctly installed
 - All (other) signage and warning notices have been installed;
 - Any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
- 15.11.10 Ocean Protect is to certify for the installation of the 200 micron OceanGuards and Stormfilters that:
- They are installed in accordance with the Ocean Protect standard operational guidelines and production drawings;
 - The three 200 micron OceanGuards and eight 690 Stormfilter cartridges have been installed as per the approved construction certificate plans.;
 - The Stormfilter tank includes a baffle 400 mm below the Stormfilter weir to extend above the emergency overflow weir level (or to a sealed hood) and set 250 mm upstream from the weir to retain floatables including oils for the 690 mm cartridges,
 - The Stormfilter weir length is a minimum of 1.50 m;
 - The Stormfilters have a minimum flow rate of 12.80 l/s at standard weir height;

- f. Metal mosquito proof screens have been welded over all grated accesses into the Stormfilter tank; and
 - g. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.
 - h. A maintenance contract has been entered into for the maintenance of the Stormfilter cartridges.
- 15.11.11 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:
- a. All the non-potable water uses for the proposed child care centre is being supplied by rainwater tanks 40kL located at rear.
 - b. All the requirements of the detailed Non-Potable Water Supply Plan have been installed to the required locations.
 - c. The flow meters have been installed on the pump outflow and the solenoid-controlled mains water bypass to determine non-potable usage and actual percentage of reuse;
 - d. The initial flow meter readings are detailed in the certificate;
 - e. The pumps, alarms and all other systems are working correctly;
 - f. A minimum of five external taps for landscape watering have been provided. One in front landscape area, one in each rear corner and two more in the side play area.
 - g. The water from at least two toilets have been tested to show no chlorine residual.
 - h. Rainwater warning signs are fitted to all external taps using rainwater.
 - i. All external reuse taps are coloured purple and those accessible by children are lockable or have removable handles.
 - j. A signed, works-as-executed Non-Potable Water Supply & Irrigation Plan is to be provided to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au
- 15.11.12 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i. 4 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 5 star taps (for all taps other than bath outlets and garden taps);
 - iv. 3 star urinals; and
 - v. 3 star Water efficient washing machines and dishwashers have been used
- 15.12 **Easements/Restrictions/Positive Covenants**
- 15.12.1 Any covenant(s) 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 covenants, easements and restrictions as accepted by the Land Registry Services (LRS).
- 15.12.2 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the overland flow-path.
- 15.12.3 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).
- 15.12.4 Each of the proposed lots serviced by the existing inter-allotment drainage easements shall have this burden and benefit created pursuant to Section 88B of the Conveyancing Act 1919.
- 15.12.5 All 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.
- 15.12.6 Prior to the issue of the Occupation certificate, the applicant shall provide a Positive covenant and Restriction on the use of land over the WSUD system installed on the property. The Positive covenant and Restriction on the use of land is to be in accordance with Appendix F of Council's Engineering Guide for Development. The Positive covenant and Restriction on the use of land is to be endorsed by Council and lodged with New South Wales Land Registry Services. The applicant shall submit documentary evidence of the lodgement and execution of the Positive covenant and Restriction on the use of land to Council prior to the issue of the final Occupation certificate.
- 15.12.7 Provide a 1.0 m wide drainage easement with a Restriction to User burdening Lot C DP 100797 along the full length of the rear (south-east) boundary in accordance with the requirements of the Council's Engineering Guide for Development 2005. The easement is to be in favour of lots X/100795, Y/100795, 10/1201724 and 11/1201724. The Restriction to User and drainage easement must be registered with Land Registry Services NSW.
- 15.12.8 Provide a Restriction to User and Positive Covenant for Overland Flowpath over the swale and pit and pipe system along the north-east boundary collecting upstream flows in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.
- 15.13 **Inspections**
- 15.13.1 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.
- 15.14 **CTV Inspection of Stormwater Drainage Structures**
- 15.14.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV after completion of road pavement construction works (excluding any deferred AC works) and the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to

council in the form of video footage of the inspections, a copy of the SEWRAT (or equivalent) report, and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

15.15 Other Matters

- 15.15.1 Prior to the issue of the Occupation certificate, the applicant shall submit to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au documentation that identifies the correct locations, types, models, and model numbers of assets that form the WSUD system installed on the property. The documentation is to include the final version of the Stormwater management report and certified and signed stormwater Works-as-executed plans. Note: *The WSUD system comprises of rainwater tank (RWT), on-site stormwater detention tank (OSD), eight 690mm ZPG Stormfilter cartridges (Ocean Protect) and three 200 micron OceanGuards (Ocean Protect).*
- 15.15.2 Prior to the issue of the Occupation certificate, the Applicant shall provide a Maintenance schedule for the WSUD system installed on the property. The Maintenance schedule is to be prepared in accordance with the Maintenance schedule template and WSUD inspection and maintenance guidelines available on Council's website. The Applicant shall submit the Maintenance schedule to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au for approval.
- 15.15.3 Provide written evidence that the registered owner/lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Stormfilter and OceanGuards. The maintenance contract is to contain a requirement that all maintenance or replacement of the filter cartridges is undertaken by Ocean Protect and either the filter cartridges are replaced no later than three years after the date of installation, or a flow test is to be undertaken on the filter cartridges in accordance with Council's WSUD developer handbook. This maintenance contract cannot be cancelled. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.
- 15.15.4 Where the Groundwater Assessment Report indicated the requirement for a Groundwater Management Plan, then a Geotechnical Engineer registered with NER, is to certify that all the requirements of the Groundwater Management Plan have been undertaken and that there is no adverse impact due to groundwater.

15.16 Emergency and Evacuation Plan

- 15.16.1 Prior to the issue of any Occupation Certificate an Emergency and Evacuation Plan shall be obtained and forwarded to Council and the Principal Certifying Authority.

15.17 Screening of Mechanical Plant

- 15.17.1 Prior to the issue of any Occupation Certificate any mechanical plant and equipment shall be screened and integrated with the building.

15.18 NSW POLICE REQUIREMENTS

15.18.1 Signage

- 15.18.1.1 NSW Police requires the child care's name and street number to be prominently displayed at the front of the school to assist emergency services and visitors.

Directional signage should be placed at decision making points example. Main office area to provide guidance to visitors, including area for medical assistance. This can assist in access control and reduce excuse making opportunities by intruders.

- 15.18.1.2 Warning signs should be strategically posted around the school to warn intruders of what security treatments have been implemented to reduce opportunities for crime. Example. 'Warning, trespassers will be prosecuted' or 'Warning, these premises are under electronic surveillance'.

15.18.2 **Lighting**

- 15.18.2.1 Adequate, uniform lighting should cover the entire property/school. The emphasis should be on installing low glare/high uniformity lighting levels in line with Australian Standard AS: 1158.

- 15.18.2.2 External lighting shall be of a 'white light' source. Note; that low or high-pressure sodium 'orange' lighting is not compatible with quality surveillance system.

- 15.18.2.3 Police require all outdoor lights to have anti-vandalism light covers to reduce opportunities for malicious damage (vandalism).

15.18.3 **Fire and Safety Measures**

- 15.18.3.1 All Australian standards in fire safety must be adhered to in any development proposal. These standards include fire escapes, evacuation procedures, evacuation assembly point etc.

- 15.18.3.2 A copy of these Operating Orders must be provided to the nearest Police Station (Riverstone Police Station), Crime Prevention Officer, Senior Constable Melissa Rosevear, (02) 9838 2199 with the Contact Person details on it.

- 15.18.3.3 A current Fire Safety Statement must be prominently displayed within the Business to comply with the Environmental Planning & Assessment Regulations (1994) Clause 80GB. The annual fire safety statement is a statement issued by the owner of a building to the effect that: each essential fire safety measure specified in the statement has been assessed by a properly qualified person.

- 15.18.3.4 Signage needs to be provided at (fire) exits to assist occupants to identify exits in emergency situations. Signage needs to be provided to assist occupants to identify fire equipment for example extinguishers and fire hoses etc.

- 15.18.3.5 To comply with the building Code of Australia, you now must have smoke detectors installed on all levels of your premises. Fire extinguishers must also be installed and regularly checked.

- 15.18.3.6 Appropriate signage must be displayed above each extinguisher and ensure that fire exits are all identifiable by an appropriate fire exit sign.

15.19 **Site Contamination**

- 15.19.1 Prior to the issue of the Occupation Certificate, an EPA recognised accredited geoscientist is to validate the site as suitable for residential development in accordance with the intended use criteria as set out in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.

16 **Operational (Planning)**

16.1 **Access/Parking**

- 16.1.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose. All vehicles must enter and exit the site in a forward direction at all times.

The visitor space, staff spaces and disabled space are to be used appropriately in accordance with their signage.

- 16.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land. All deliveries to the site must occur outside of peak parent drop-off/ pick up periods.

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

16.2 **General**

- 16.2.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.

- 16.2.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.

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

- 16.2.4 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.

- 16.2.5 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.

- 16.2.6 The hours of operation of the child care centre 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: 7:00am to 6:00pm Monday to Friday

- 16.2.7 The development shall be serviced by private waste and recycling contractors in accordance with the submitted Waste Management plan to Council. Any waste collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall take place after Centre's operation hours within the existing waste collection hours for the area. The bins must not be collected on more than 3 days a week with the potential for general waste and recycling to be collected on the same day.

- 16.2.8 A Licence, to operate a Child Care Centre for a maximum of 106 children is required from the Department of Education – Early Childhood Education Directorate prior to the Child Care Centre becoming operational. Any changes to the number of children will require further separate approval of Council and will require additional car parking to be provided.

16.3 **Landscaping**

- 16.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.

- 16.3.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.

16.4 Emergency Procedures

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

16.5 Graffiti Removal

- 16.5.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed no later than 48 hours after detection.

16.6 Other Matters

- 16.6.1 This consent does not authorise the use of the land for Child Care purposes unless the operator and all employees are in possession of current licences from the NSW Department of Education – Early Childhood Education Directorate.
- 16.6.2 Approval is given for the care of a maximum of 106 children consisting of (2 children aged 0 – 2 years, 37 children aged 3-4 years, 37 children aged 4-5 years) and 20 staff.
- 16.6.3 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.
- 16.6.4 The use of the premises is to comply at all times with the requirements of the Department of Family and Community Services, and the National Quality Framework and Standards.
- 16.6.5 All 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.
- 16.6.7 The air conditioning units are to be placed in a position that is inaccessible to children and do not impact on any residential property adjoining the child care centre.
- 16.6.8 A revised Operational Plan of Management is required to be provided that includes details as to how the on-site car parking is going to be managed to minimise the reliance of on-street car parking. The updated Plan of Management is to be submitted to Council for endorsement prior to the issue of the Occupation Certificate.

Note: if there are any proposed changes to the Plan of Management you must inform Council of these proposed changes.

Note: if there are any proposed changes to the Plan of Management you must inform Council of these proposed changes within 28 days of amendments.

16.7 Use of Premises

- 16.7.1 The development shall not be used or converted for use for any purpose other than that:
- (a) Granted consent by Council's Notice of Determination, or
 - (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

17 Operational (Environmental Health)

- 17.1 The recommendations provided in *provided in the Acoustic Assessment Report, (Ref: 1020230) prepared by Acoustic Works, dated 21 December 2020 (amended June 2021) shall be implemented.*
- 17.1.1 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 NSW Environmental Protection Authorities - Noise Policy for Industry and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.
- 17.1.2 A post commissioning report must be produced by an acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) within 3 – 6 months of the proposed development operating to validate the Acoustic reports findings. The report is to be submitted to Council to review.
- 17.1.3 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.
- 17.1.4 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.
- 17.1.5 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.
- 17.1.6 All waste and recycling bins must be stored wholly within the approved waste storage area. 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.
- 17.1.7 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.
- 17.1.8 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.
- 17.1.9 The premises is to be registered with Council as a food business.
- 17.1.10 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.
- 17.1.11 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.

- 17.1.12 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.

17.2 NSW POLICE REQUIREMENTS

17.2.1 Lock Down

- 17.2.1.1 A lockdown means windows and doors are all locked (including external doors to the rooms) and all students and staff remain in a safe place.
- 17.2.1.2 All students and staff who are outside should move directly inside and then lock the door. There are many very possible scenarios that could arise that would require a lockdown such as; A person on the school grounds armed with a weapon OR a severe electrical storm or hail storm eventuates, OR an irate patient enters the school wanting to injure or take a child.
- 17.2.1.3 A signal code is given-usually a unique sound from a PA speaker, loud haler etc.
- 17.2.1.4 Should an intruder be identified, staff should contact the centre's director or coordinator and then Police on 000.
- 17.2.1.5 If it is safe to do so, the director or coordinator will wait outside the main entrance of the school to direct emergency services.
- 17.2.1.6 ONLY authorised persons should be allowed access to the school premises during a lockdown e.g. Police, Fire Brigade and Ambulance.
- 17.2.1.7 Complete a roll check.
- 17.2.1.8 Lockdown procedures should also be addressed in case of emergency situations. They should be practiced at regular intervals that staff are confident.

17.2.2 Car Park

- 17.2.2.2 The venue car park should be well lit as per the Australian New Zealand Lighting Standards.
- 17.2.2.3 Park Smarter signage can help to educate patrons to not leave valuable items in their cars and to ensure they secure their vehicles appropriately.

17.2.3 Intruder Alarm System

- 17.2.3.1 A monitored intruder alarm system designed to the Australian Standard, Domestic & Commercial Alarm System AS: shall be installed to enhance the physical security of your business.
- 17.2.3.2 Consideration should also be given to incorporating duress facility into the system to enable staff to activate the system manually in the event of an emergency, such as a robbery.
- 17.2.3.3 The system shall be tested on a regular basis to ensure that it is operating effectively, and staff should all be trained in the correct use of the system.

17.2.4 Communication

- 17.2.4.1 NSW Police encourage communication between the child care and its surrounding neighbours. Both parties would benefit from mutual surveillance of the others property. The childcare should provide its neighbours with any newsletters. This will allow the neighbours to become familiar with activities and concerns pertaining to that child care. .