

## Conditions of consent (draft)

<b>Proposed development</b>	Subdivision into 1 superlot lot and road to facilitate the construction and dedication of remaining portion of cul-de-sac turning head on Talland Street and development of lot 1 for the construction of a part 1/part 2-storey building and its use as a 110-place childcare centre and medical centre with basement parking for 70 cars and business identification signage.
<b>Property description</b>	143 Kensington Park Road, Riverstone

### 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 Part 6 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
  - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development
  - (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
  - (d) the installation of vehicular footway crossings servicing the development, and
  - (e) the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required.
- 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 Environment and Heritage (OEH) 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 OEH. No further works are to be undertaken on the site without the written consent of OEH.

#### 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](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

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

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

- 1.4.5 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

## 1.5 Identification Survey

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

## 1.6 Other Matters

- 1.6.1 Approval is given for the care of a maximum of 110 places (20 children aged 0 – 2 years, 44 children aged 2 – 3 years and 46 children aged 3 – 6 years). Any increase to the number of children will require further separate approval of Council and will require additional on-site car parking to be provided.

## 1.7 Payment of Engineering Fees

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

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

## 1.8 Road Damage

- 1.8.1 The 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.

## 1.9 Environmental Health Matters

### 1.9.1 Medical Centre

- 1.9.1.1 Consult with the NSW Environment Protection Authority (EPA) regarding the registration of diagnostic imaging (x-ray) apparatus.
- 1.9.1.2 Consult with an appropriately qualified radiation consultant for advice on shielding for the diagnostic imaging (x-ray) apparatus

## 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:

Drawing No.	Dated	Prepared by
0005 Calculations Revision B	01/08/2022	IDA Design Group
0007 Demolition Plan Revision B	01/08/2022	IDA Design Group
0008 Site Plan	01/08/2022	IDA Design Group

Revision B		
0009 Site Zones Revision B	01/08/2022	IDA Design Group
0010 Cut & Fill Plan Revision B	01/08/2022	IDA Design Group
0011 Subdivision Plan Revision B	01/08/2022	IDA Design Group
1001 Basement 2 Revision B	01/08/2022	IDA Design Group
1002 Basement Plan Revision B	01/08/2022	IDA Design Group
1003 Ground Floor Revision B	01/08/2022	IDA Design Group
1004 First Floor Revision B	01/08/2022	IDA Design Group
1005 Roof Plan Revision B	01/08/2022	IDA Design Group
2001 Elevations Revision B	01/08/2022	IDA Design Group
2002 Elevations Revision B	01/08/2022	IDA Design Group
3001 Sections Revision B	01/08/2022	IDA Design Group
3002 Sections Revision B	01/08/2022	IDA Design Group
4002 FSR Diagram Revision B	01/08/2022	IDA Design Group
4003 Details Revision B	01/08/2022	IDA Design Group
4004 Details Revision B	01/08/2022	IDA Design Group
4005 Details Revision B	01/08/2022	IDA Design Group
4006 Details Revision B	01/08/2022	IDA Design Group
L/01 Landscape Master Plan Revision C	31/08/2022	Discount Landscape Plans
L/02 Planting Plan Revision B	08/08/2022	Discount Landscape Plans
L/03 Proposed Materials Board Revision C	31/08/2022	Discount Landscape Plans
L/04 Proposed Materials Board Revision C	31/08/2022	Discount Landscape Plans

*\*Unless modified by any 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 110 places with shared basement car parking
- Medical centre with shared basement car parking

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 Department of Education – Early Childhood Education Directorate.

## 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: RIVERSTONE

**2.4 Imported “Waste Derived” Fill Material**

- 2.4.1 The only waste derived fill material that may be received at the development site is:

- (a) virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*),
- (b) any other waste-derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

- 2.4.2 Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

**2.5 Other Matters**

- 2.5.1 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.

- 2.5.2 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on future or existing Council land, including road reservations and/or public reserves.

**2.6 Engineering Matters**

**2.6.1 Design and Works Specification**

- 2.6.1.1 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.

2.6.1.2 The Applicant is required to submit to Council, Bonds and/or Contributions for works associated with the development in conjunction with the civil engineering works required to be constructed as part of this development. Works may include:

- Path Paving construction
- Final Layer Asphaltic Concrete (AC) construction
- Maintenance of the construction works
- Removal of temporary infrastructure

2.6.1.3 Prior to release of any bond securities held by Council for civil engineering works, the payment of a bond release inspection fee in accordance with Council's Goods and Services Pricing Schedule must be made.

2.6.1.4 Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e. Roads, drainage reserves, parks, etc.)

A copy of this notice must be provided to Council's Co-ordinator of Engineering Approval.

## 2.6.2 **Other Necessary Approvals**

2.6.2.1 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)

## 2.6.3 **Subdivision**

2.6.3.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and issue the Subdivision Certificate.

## 2.7 **Drainage Matters**

2.7.1 Each year the registered proprietor/owner's corporation is to provide to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) a report outlining all non-potable water used annually and the percentage of non-potable reuse from the rainwater tank. Based on modelling it is agreed that for non-potable reuse that the rainwater tank is achieving a minimum 80% reuse with a minimum reuse supplied of 0.61 ML/yr.

2.7.2 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 [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au)

- 2.7.3 The developer is to maintain the temporary detention basin and temporary water quality treatment measures and these measures are not to be removed, until the downstream regional Council detention basin including water quality measures are completed as confirmed by Council in writing. Note the WSUD positive covenant remains to protect the rainwater tank.

## 2.8 Arboriculture Matters

- 2.8.1 There are existing street trees along the Kensington Park Road frontage. These trees are to be protected from construction activity during the entire development.

## 3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

### 3.1 DA Plan Consistency

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

### 3.2 Section 7.11 Contributions under Section 7.17 Directions

The following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as 27 October 2023. 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 and payments made by credit card attract a 0.5% surcharge.

Contribution Item	Amount
Stormwater Quantity First Ponds Creek	\$168,409.00
Stormwater Quality First Ponds Creek	\$20,735.00
Traffic Management	\$50,937.00
Total	\$240,081.00

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](http://www.blacktown.nsw.gov.au):

Section 7.11 Contributions Plan No. 20 – Riverstone and 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: 0.2745 hectares (Part Talland Street and proposed lot 1)

### 3.3 **Footpath/Road Condition Assessment Fee**

- 3.3.1 A footpath/road condition assessment fee is to be paid prior to the issue of any Construction Certificate. The applicable fee will be charged in accordance with Council's [Goods and Services Pricing Schedule](#).

Council will undertake an initial 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, which will be charged in accordance with Council's current Goods and Services Pricing Schedule in effect at the time of the work.

### 3.4 **Services/Utilities**

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

### 3.5 **Special Infrastructure Contribution**

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

#### **More information**

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

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

### 3.6 **Street Tree Planting**

- 3.6.1 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping for the approved subdivision. The Street Tree Plan is to reflect the species palette in our Street Tree Guidelines and must include:

- cross-sections showing dimensions of tree pits
- species
- details of root protection barriers
- soil specifications
- location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

**NOTE: Any tree planting to be undertaken as part of the approved development shall be available to Council for inclusion in future carbon sequestration programs.**



The Street Tree Plan must show how the developer can decommission any median feature and road verge landscaping, and reinstate landscaping suitable to Blacktown City at handover.

Landscaping to lot boundaries is to be wholly located within private property and not encroach upon the road reserve.

Street tree planting must not interfere with the street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting.

This information must be received before a construction certificate can be issued.

#### **4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)**

##### **4.1 Subdivision**

- 4.1.1 The Subdivision Certificate for the dedication of Talland Street and creation of superlot 1 shall be registered with NSW Land Registry Services.

##### **4.2 Aesthetics/Landscaping**

- 4.2.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20% must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. "Anti-glare" glazing is to be used to minimise any glare affect. Details are to be provided as part of the Construction Certificate plans.
- 4.2.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.
- 4.2.3 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the external material and finishes schedule approved with the stamped plans. Building materials and finishes are to be finished with an anti-graffiti coating. Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans.
- 4.2.4 The landscaping shall be carried out in accordance with the approved landscaping plans and shall ensure suitable planting is provided to screen the acoustic wall(s).

##### **4.3 Plan Amendments**

- 4.3.1 The landscape plan shall be amended to indicate a range of screen planting including medium-sized tree species in the 2m deep soil setback along the western boundary. The amended landscape plan and details are to be submitted to and approved by Council prior to the issue of the relevant Construction Certificate.
- 4.3.2 Details of signage including height, size, wording, material and colour scheme based on the concept details approved as part of this consent are to be submitted to Council prior to issue of the relevant Construction Certificate.

##### **4.4 Fencing**

- 4.4.1 All fencing is to be erected on top of any retaining walls at full cost to the developer.
- 4.4.2 Fencing adjoining public roads is to be finished with an anti-graffiti coating.

- 4.4.3 All boundary and internal fencing shall be constructed in accordance with the approved plans and recommendations of the 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. The plans with the Construction Certificate must include fencing detail proposing an acoustic fence with varying height of 1.4m for the front boundary and 1.8m high for the side and rear boundaries, in accordance with the acoustic report and approved plans.

#### 4.5 **Retaining walls**

- 4.5.1 If any retaining walls are proposed on the side boundaries of this site which have not been included in the approval require a modification application under section 4.55 of Environmental Planning and Assessment Act 1979 to amend the proposal.

- 4.5.2 All retaining walls are to be of masonry construction.

#### 4.6 **Access/Parking**

- 4.6.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.

- 4.6.2 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.

- 4.6.3 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.

- 4.6.4 A minimum of 70 car parking spaces are required to be provided on site, being 19 staff spaces and 19 visitor spaces for the child care centre and 9 staff spaces and 23 visitor spaces for the medical centre (including 4 disabled car parking spaces) and are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1. Rear spaces of the stacked car parking be provided for the purpose of staff parking only.

Amended plans are to be submitted to Council demonstrating compliance with the above condition prior to release of any Construction Certificate.

All car parking spaces shall be linemarked and signage to be provided for all staff parking spaces.

- 4.6.5 All parking spaces are to be provided with vehicle stops, with the exception of any stacked spaces.

- 4.6.6 Provision for adequate sight distance needs to be made for both pedestrian and vehicular movement at the proposed driveway in accordance with Section 3.2.4 AS 2890.1 and Figure 3.2 of AS 2890.1 to ensure safety of pedestrians on the footpath system and motor vehicles along the new driveway.

#### 4.7 **Plant and Equipment**

- 4.7.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the units and communal open spaces with regard to visual, acoustic and odour impacts.

#### 4.8 Other matters

- 4.8.1 External service fixtures and conduits are to be part of the overall appearance of the building, or are to be screened from view.
- 4.8.2 Any required substation as part of the development is required to be located on private property and incorporated into the design of the building or landscaping of the development. The location of the substation must be endorsed by Council prior to the release of a Construction Certificate.
- 4.8.3 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.

### 5 PRIOR TO CONSTRUCTION CERTIFICATE/SUBDIVISION WORKS CERTIFICATE (ENGINEERING)

#### 5.1 General

- 5.1.1 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.
- 5.1.2 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 onsite stormwater detention (OSD) and Water sensitive Urban Design (WSUD).
- 5.1.3 The engineering drawings referred to below are not for construction. The Construction Certificate/Subdivision Works 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/Subdivision Works Certificate plans shall be generally in accordance with the following drawings and relevant Consent conditions:

Prepared By	Project	Drawings	Rev	Dated
Telford Civil Pty Ltd	2021500	101 to 112 C000 to C701	C	23/06/2022 21/02/2022

#### **Notes:**

1. Vehicular crossing to be located 1 m clear of existing Power Pole and other Public Utility Services.
2. Back of path-paving in Talland St to be 0.9 m from the boundary.

#### 5.2 Local Government Act Requirements

- 5.2.1 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

### 5.3 Roads Act Requirements

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

- Any works within Council's road reserve
- Half width road construction
- Kerb inlet pit connections or construction
- Vehicular crossings
- Path Paving

### 5.4 Other Engineering Requirements

5.4.1 If the estimated cost is \$25,000 or greater proof of long service levy payment is required.

5.4.2 Any ancillary works undertaken shall be at no cost to Council.

5.4.3 Submit written permission from the affected property owner for any works proposed on adjoining land.

### 5.5 Roads

5.5.1 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory. The pavement design shall withstand the traffic loadings listed in this consent.

Note: The design CBR is to be confirmed on site prior to placement of any pavement. If actual CBR is less than design CBR, revised pavement design will be required.

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

5.5.3 Proposed new road shall be designed and constructed as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Talland St	16 and variable	25	Cul de sac 3.5, 4.5	5 X 10 <sup>5</sup>

5.5.4 Engineering Stormwater Drawings submitted by Telford Consulting Pty Ltd, Project No. 2021500, drawing numbers 101 to 112, Revision C, are required to be amended to address the following items:

- a) All stormwater pipes including downpipes shall be designed to cater for all drainage events up to and including the 1% AEP.
- b) Pit 2 depth shall be amended to be 1.2m deep to allow for surface and pipe flow treatment while providing a minimum 300 mm pip cover. Amend levels on drawing 104 and detail on drawing 110.
- c) Provided details of how the rising main pump flows are directed to the Stormfilter chamber.
- d) The basement pump-out system shall be designed in accordance with AS3500.3.
- e) Drawing 109 "WSUD plan view" delete one of the two 150 mm non-return pipes.

- f) Drawings 109 and 110 provide metal mosquito proof mesh welded over the access grate(s) into the Stormfilter Chamber.
- g) Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks, Stormfilter chamber and Detention Tank in accordance with Council's Engineering Guide for Development 2005.
- h) Provide on-site stormwater detention (OSD) warning sign plaque as per the Upper Parramatta River Catchment Trust guidelines.
- i) Provide detail for ladder access to OSD access grates centrally located in the tank.
- j) Drawing 110 Section C, show the full height wall for the Stormfilter chamber behind.

## 5.6 Drainage

5.6.1 Drainage from the site must be connected into Council's existing drainage system.

5.6.2 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

5.6.3 Provide an open style fence wherever it crosses the overland flow path. This is to ensure flows are not restricted. The underside of the fence shall have a minimum clear opening of 50 millimetres.

5.6.4 Provide details for permanent coloured interpretive signage minimum A2 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

5.6.5 An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses. Such use includes landscape watering, washdown and 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 ten (10) external taps for landscape watering or washdown. Two taps along the northern boundary landscaping, two taps along the western boundary, three taps along the southern boundary landscaping, and three taps along the eastern boundary landscaping. Alternatively, an irrigation specialist prepares a comprehensive automatic irrigation system using timers, zones etc that achieves a minimum usage of 200 kL/yr on average.
- h) Providing a minimum rainwater tanks with a total size of 100kL below overflow, servicing all toilets and landscaping/washdown.

- i) Ensuring all the rainwater reuse pipes and taps are coloured purple.
  - j) Rainwater warning signs are fitted to all external taps using rainwater
  - k) All rainwater reuse taps are to be lockable or have removable handles
- 5.6.6 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 or other requirements 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.

## 5.7 Earthworks

- 5.7.1 Proposed lot must be filled so that the ground levels behind the building are a minimum of 500mm above the designed 100-year average recurrence interval flood level.
- 5.7.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 5.7.3 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.
- 5.7.4 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.

## 5.8 On-Site Detention

- 5.8.1 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.
- 5.8.2 A registered engineer (NER) must certify that:
- The structures associated with the on-site stormwater detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
  - The on-site stormwater detention system will perform to meet the on-site stormwater detention requirements and function hydraulically in general accordance with Council's Engineering Guide for Development, DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#), S3QM Deemed to comply tool and Council's Standard Drawing A(BS)175M.

## 5.9 Stormwater Quality Control

- 5.9.1 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](#).

- 5.9.2 Bio-retention basin(s) to be designed in accordance with Council's Water Sensitive Urban Design standard drawings and Council's Engineering Guide for Development and DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#)
- 5.10 **Vehicular Crossings**
- 5.10.1 Plans to demonstrate the construction a commercial and industrial vehicular crossing to Council's standard A(BS)103S. In this regard, mountable kerb at the Vehicular Crossing shall be replaced by a layback in accordance with and as shown in A(BS) 103S.
- 5.11 **Footpaths**
- 5.11.1 Path paving (1.5 m wide) is to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2018.
- 5.12 **Drainage Matters**
- 5.12.1 Amended Engineering Stormwater Drawings are required from Telford Consulting Pty Ltd and be generally in accordance with Project No. 2021500, drawing number 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, and 112, Revision C, addressing the following items:
- a) All stormwater pipes including downpipes shall be designed to cater for all drainage events up to and including the 1% AEP.
  - b) Pit 2 depth shall be amended to be 1.2m deep to allow for surface and pipe flow treatment while providing a minimum 300 mm pip cover. Amend levels on drawing 104 and detail on drawing 110.
  - c) Provided details of how the rising main pump flows are directed to the Stormfilter chamber.
  - d) The basement pump out system shall be designed in accordance with AS3500.3.
  - e) On drawing 109 "WSUD plan view" delete one of the two 150 mm non-return pipes.
  - f) On drawings 109 and 110 provide metal mosquito proof mesh welded over the access grate(s) into the Stormfilter Chamber.
  - g) Detail confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks, Stormfilter chamber and Detention Tank in accordance with Council's Engineering Guide for Development 2005.
  - h) Provide on-site stormwater detention (OSD) warning sign plaque as per the Upper Parramatta River Catchment Trust guidelines.
  - i) Provide a detail for ladder access to the OSD access grates centrally located in the tank.
  - j) On drawing 110 at Section C show the full height wall for the Stormfilter chamber behind.
- 5.12.2 Provide details for permanent coloured interpretive signage minimum A2 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.

- 5.12.3 An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses. Such use includes landscape watering, washdown and 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 ten (10) external taps for landscape watering or washdown. Two taps along the northern boundary landscaping, two taps along the western boundary, three taps along the southern boundary landscaping, and three taps along the eastern boundary landscaping. Alternatively, an irrigation specialist prepares a comprehensive automatic irrigation system using timers, zones etc that achieves a minimum usage of 200 kL/yr on average
  - h) Providing a minimum rainwater tanks with a total size of 100kL below overflow, servicing all toilets and landscaping/washdown
  - i) Ensuring all the rainwater reuse pipes and taps are coloured purple
  - j) Rainwater warning signs are fitted to all external taps using rainwater
  - k) All rainwater reuse taps are to be lockable or have removable handles
- 5.12.4 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 or other requirements 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.

## **6 PRIOR TO CONSTRUCTION CERTIFICATE (WASTE)**

- 6.1 The removal of asbestos from the site and its transportation to its final destination is to be undertaken in accordance with the NSW Environment Protection Authority's WasteLocate online system for tracking asbestos waste. Upon completion of the transportation, the WasteLocate consignment number is to be submitted to Council. For more information, please refer to the following link:  
<https://www.epa.nsw.gov.au/your-environment/waste/transporting-asbestos-waste-tyres>
- 6.2 The applicant must ensure the approved bin collection points for all bins for the whole site are shown on the stamp approved plans to Council's satisfaction with each bin



indicated.

- 6.3 The applicant must ensure no plantings or landscaping is located where the bin collection points are as this will hinder safe and efficient collection of bins and bulky waste from the development.

## **7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)**

### **7.1 Environmental Management**

- 7.1.1 The recommendations made in the *Noise Impact Assessment* (REF: 210944R1) prepared by Rodney Stevens Acoustics, dated 18 January 2022 (amended 16 May 2022) and *Preliminary Site Investigation* report prepared by Geotechnical Consultants Australia (Report No. E21237-1), dated 22 November 2021 shall be implemented.

- 7.1.2 All areas 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 Environmental Protection Authority's Contaminated Sites: Guidelines for NSW Site Auditor Scheme 3<sup>rd</sup> edition (2017)
- National Environment Protection Council (NEPC) 1999 *National Environment Protection (Assessment of Site Contamination Measure)* as amended 2013
- NSW Environment Protection Authority's *Waste Classification Guidelines, Part 1: Classifying Waste* (2014)

A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.

### **7.2 Child Care Centre**

- 7.2.1 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*.

### **7.3 Medical Centre**

- 7.3.1 All works carried out shall comply with the requirements of;
- *Radiation Control Act 1990*
  - *Radiation Control Regulation 2003*
  - *Radiation Guideline 6- Registration requirements& industry best practice for ionising radiation apparatus used in diagnostic imaging 2004*.
- 7.3.2 The walls and floor of the premises are to be constructed with an approved durable, smooth, impervious material capable of being easily cleaned.

## **8 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)**

### **8.1 Building Code of Australia Compliance**

8.1.1 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).

### **8.2 Site Works and Drainage**

8.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.

8.2.2 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.

8.2.3 Should any proposed 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), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:

- (a) Preserved and protected from damage, and
- (b) Underpinned and supported.

Such details shall accompany the Construction Certificate.

### **8.3 Service Authorities**

8.3.1 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.

## **9 PRIOR TO DEVELOPMENT WORKS**

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

- 9.1.1 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.

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

- (a) the name, address and telephone number of the principal certifying authority for the work, and
- (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

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.

- 9.1.3 Should the development work:

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

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

- 9.1.5 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.

- 9.1.6 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 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.

- 9.1.7 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.

- 9.1.8 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.

## 9.2 **Notification to Council**

- 9.2.1 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.
- 9.2.2 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.

## 9.3 **Sydney Water Authorisation**

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

## 10 **DURING CONSTRUCTION (ENGINEERING)**

### 10.1 **Notification of Works**

- 10.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum 5 business days prior to commencement of engineering works.
- 10.1.2 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.

## **10.2 Insurances**

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

## **10.3 Service Authority Approvals**

- 10.3.1 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.

## **10.4 Tree Protection and Preservation**

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

## **10.5 Soil Erosion and Sediment Control Measures**

- 10.5.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.5.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.
- 10.5.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

## **10.6 Filling in Contaminated Land**

- 10.6.1 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.

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

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

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

## **10.8 Other Matters**

- 10.8.1 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.
- 10.8.2 The minimum four 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

## **10.9 Drainage Matters**

- 10.9.1 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.
- 10.9.2 The minimum four 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

## **11 DURING CONSTRUCTION (BUILDING)**

### **11.1 Safety/Health/Amenity**

- 11.1.1 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.

- 11.1.2 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.

- 11.1.3 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.

- 11.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 11.1.5 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 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 11.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 11.1.7 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
  - (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 11.1.8 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.
- 11.2 **Building Code of Australia Compliance**
- 11.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 11.3 **Surveys**
- 11.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifier to verify the approved position of each structure in relation to the property boundaries.
- 11.3.2 A registered surveyor's report indicating that the required minimum Australian Height Datum floor level has been achieved, shall be lodged with the Principal Certifier prior to work proceeding above floor level.
- 11.3.3 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifier prior to work proceeding above floor level.
- 11.4 **Nuisance Control**
- 11.4.1 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.
- 11.4.2 The hours of any offensive noise-generating development works shall be limited to

between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

- 11.4.3 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.

#### 11.5 **Stormwater Drainage**

- 11.5.1 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 225 mm above the adjoining finished ground level, and/or
- (b) being drained to an effective drainage system.
- (c) if draining to kerb use an approved kerb outlet and sewer grade PVC or R

#### 11.6 **Waste Control**

- 11.6.1 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.

#### 11.7 **Construction Inspections**

- 11.7.1 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 Certifier.

Any inspection conducted by an accredited certifier other than the nominated PC for the project must be verified by way of a Compliance Certificate issued for the relevant works.

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

#### 11.8 **Vehicular Crossings**



- 11.8.1 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.

#### 11.9 **Site Cut and Fill levels**

- 11.9.1 The cut and fill must be provided in accordance with the levels approved on the architectural and engineering plans.

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.

#### 11.10 **Aboriginal Heritage**

- 11.10.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the NSW Office of Environment & Heritage informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from the NSW Office of Environment & Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

### 12 **DURING CONSTRUCTION (WASTE)**

- 12.1 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.
- 12.2 The applicant must provide evidence of tipping dockets for all demolition and construction waste generated onsite.
- 12.3 The applicant must ensure all litter is managed onsite by ensuring waste receptacles are covered when not in use.

### 13 **DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)**

#### 13.1 **Environmental Management**

- 13.1.1 The recommendations made in the *Noise Impact Assessment* (REF: 210944R1) prepared by Rodney Stevens Acoustics, dated 18 January 2022 (amended 16 May 2022 and *Preliminary Site Investigation* report prepared by Geotechnical Consultants Australia (Report No. E21237-1), dated 22 November 2021 shall be implemented.
- 13.1.2 On completion of the installation of any new ventilation system, a Compliance Certificate is to be submitted to Council certifying that the system has been installed and commissioned in accordance with the approved details.
- 13.1.3 The food preparation areas shall be constructed so as to comply with the requirements of;
- The Food Act 2003 and Regulations there under.
  - Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.

- Australian Standard 1668.2-2012: *The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings*
- 13.1.4 A designated hand washbasin is to be provided within the activity area. The hand washbasin shall be provided with a supply of hot and cold water through an approved mixing device with a single spout.
- 13.1.5 The walls immediately behind the hand washbasin and sink are to be tiled to a height of 450mm and for a distance of 150mm on either side of the basin and sink.
- 13.1.6 The surfaces within rooms where medical activities are carried out shall be constructed of a material that is impervious and capable of being easily cleaned.
- 13.1.7 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.

## **14 PRIOR TO SUBDIVISION CERTIFICATE**

### **14.1 Site Access**

- 14.1.1 There shall be no direct vehicular or pedestrian access to and/or from the following nominated road(s) for any lots having frontage to that road. An appropriate restriction on the use of land shall be created under Section 88B of the *Conveyancing Act 1919* covering this requirement. The Section 88B Instrument shall contain a provision that it may not be extinguished or altered except with the consent of Blacktown City Council.

Nominated Road(s): Kensington Park Road, Riverstone.

### **14.2 Dedications**

- 14.2.1 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on a future public road. Any proposal to locate a proposed substation or other utility installation on a future public road shall be negotiated with and fully endorsed by the relevant Council Directorates.

### **14.3 Road Damage**

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

### **14.5 Engineering Matters**

#### **14.5.1 Surveys/Certificates/Works As Executed plans**

- 14.5.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed, in a colour softcopy format (.PDF). All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works (including works under the *Roads Act 1993* and the *Local Government Act 1993* covered by this Development Application).
- 14.5.1.2 The Work-as-Executed (WAE) must confirm that the On Site Detention system identification plate has been installed in accordance with Council's WSUD Standard Drawings A(BS)175M Sheet 20.

- 14.5.1.3 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).
- 14.5.1.5 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.
- 14.5.1.6 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.
- 14.5.1.7 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.
- 14.5.1.8 Applicant to submit the following in accordance with Council's Works Specification - Civil (Current Version):
- a) Compaction certificates for fill within road reserves.
  - b) Compaction certificates for road sub-grade.
  - c) Compaction certificates for all road pavement materials.
  - d) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
  - e) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4
    - Compliance Certificate and Test Results
    - Delivery Dockets
    - Summary of Material deliveries as per template available on Council's website.
- 14.5.1.9 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.
- When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through Council's Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.
- 14.5.1.10 A survey report prepared and signed by a Registered Surveyor providing confirmation of the depth of all constructed road pavements in the form of finished surveyed levels for each road pavement layer, noting tolerances for any variations in constructed pavement depth.
- 14.5.1.11 A Certificate shall be submitted by a suitably qualified geotechnical engineer verifying that any fill material imported to site is virgin excavated natural material (VENM) or (ENM).

14.5.2 **Easements/Restrictions/Positive Covenants**

- 14.5.2.1 All relevant Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.
- 14.5.3 **Dedications**
- 14.5.3.1 Prior to the issue of the Occupation Certificate, documents shall be submitted to Council demonstrating that the proposed land required for road widening in connection with the required Cul De Sac construction is to be dedicated and registered with NSW Land and Registry Services (LRS) at no cost to Council.
- 14.5.4 **Bonds/Securities/Payments in Lieu of Works**
- 14.5.4.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.
- 14.5.4.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months. This period commences at the release of the final plan of subdivision (Issue of Subdivision Certificate). This maintenance period may be extended to allow for the completion of necessary maintenance and or all outstanding minor works.
- 14.5.5 **Inspections**
- 14.5.5.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.
- 14.5.6 **Inspection of Work**
- 14.5.6.1 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 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.
- 14.5.7 **Other Matters**
- 14.5.7.1 The Applicant shall enter into a Maintenance Agreement with a maintenance contractor for the WSUD system installed on the property. The Maintenance Agreement is to be in accordance with the Maintenance schedule approved by Council. The maintenance contractor is to possess the qualifications and licences, if any, required to undertake the maintenance works in accordance with Council and New South Wales policy and legislation. The Maintenance Agreement must be maintained for the life of the development. The Applicant shall submit a copy of the executed Maintenance agreement to Council for approval. The Maintenance Agreement can be replaced with an alternative Maintenance Agreement of the same or better standard. In the event that the Applicant enters into a replacement Maintenance Agreement the Applicant must, as soon as practically possible, forward a copy to Council.

## **15 PRIOR TO OCCUPATION CERTIFICATE**

### **15.1 Compliance with Conditions**

- 15.1.1 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.
- 15.1.2 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the Principal Certifier in accordance with the provisions of Section 6.9 of the Environmental Planning and Assessment Act 1979.

### **15.2 Temporary Facilities Removal**

- 15.2.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 15.2.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 15.2.3 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.
- 15.2.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 15.2.5 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.

### **15.3 Fire Safety Certificate**

- 15.3.1 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).
- 15.3.2 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).

### **15.4 Service Authorities**

- 15.4.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of any Occupation Certificate:
- (c) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing"

Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

## **15.5 Landscaping/Car Parking**

- 15.5.1 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.
- 15.5.2 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- 15.5.3 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public or drainage reserves.

## **15.6 Fee Payment**

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

## **15.7 Road Damage**

- 15.7.1 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.

## **15.8 Bush Fire Prone Land**

- 15.8.1 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that works carried out meet the requirements of NSW Rural Fire Services.

## **15.9 Car Parking**

- 15.9.1 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 15.9.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 15.9.3 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 15.9.4 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.

- 15.9.5 Head room clearance at the basement ramp must comply with requirements of AS2890.1 (Section 5.3) for a Disabled Vehicle, and meet AS2890.1 – Appendix C for the disabled parking space and access to the lift.
- 15.9.6 The basement ceiling is to be light in colour, and preferably painted white, to enhance lighting illumination.
- 15.9.7 A minimum of 70 car parking spaces are required to be provided on site, including 4 accessible spaces, allocated as follows:

Use	Parking spaces
Child care staff	19 spaces
Child care visitors	19 spaces
Medical centre staff	9 spaces
Medical centre patients	23 spaces

The car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1. Rear spaces of the stacked car parking be provided for the purpose of staff parking only.

All car parking spaces shall be linemarked and signposted to identify all staff and visitor parking spaces.

- 15.9.8 All parents and staff driving to the centre should be required to use the basement.

#### 15.10 **Graffiti Management Plan**

- 15.10.1 Prior to the issue of the Occupation Certificate a “Graffiti Management Plan” is to be submitted to the Principal Certifying Authority for approval, (in the event the Council is not the PCA a copy of the approved plan must be submitted to Council). The Plan is to address the following issues:

- (a) Methods to minimise the potential for graffiti;
- (b) Management/notification procedures for the “early” removal of graffiti;
- (c) Annual review of any “management agreement” for the removal of graffiti to ensure the property is maintained at its optimum level; and
- (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

#### 15.11 **Street Tree Planting**

- 15.11.1 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.

#### 15.12 **External Finishes**

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

## **15.13 Lighting**

15.13.1 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.

15.13.2 All bollard lighting is to be installed prior to the release of the occupation certificate.

## **15.14 Engineering Matters**

### **15.14.1 Surveys/Certificates/Works As Executed plans**

15.14.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

15.14.1.2 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.

15.14.1.3 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).

15.14.1.4 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished surface levels (FSL) for lot(s) required by this consent have been achieved and/or have been maintained in accordance with those established at the time of creation of the lot. The certificate must acknowledge that works have been complete. All levels must be to Australian Height Datum (AHD).

15.14.1.5 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.

15.14.1.6 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.

15.14.1.7 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.

### **15.14.2 Easements/Restrictions/Positive Covenants**

15.14.2.1 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).

### 15.14.3 **Inspections**

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

### 15.14.4 **Water Sensitive Urban Design Management**

- 15.14.4.1 Prior to the issue of the Occupation certificate, the applicant shall submit to Council 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.
- 15.14.4.2 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 for approval.
- 15.14.4.3 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 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.

### 15.15 **Drainage Matters**

#### 15.15.1 **Surveys/Certificates/Works As Executed Plans**

- 15.15.1.1 A Chartered Civil Engineer registered with NER, is to certify that:
  - a) All the requirements of the approved drainage plans have been undertaken;
  - b) A minimum total volume of 100 m<sup>3</sup> below overflow rainwater tank/s have been provided collecting roof water from a minimum 1289 m<sup>2</sup> of roof area.
  - c) The minimum detention storage of 88.3m<sup>3</sup> has been provided below the 50% AEP weir and a total of 134 m<sup>3</sup> has been provided below the 1% AEP emergency overflow weir.
  - d) The 1% AEP orifice size matches the approved construction certificate plans;
  - e) Ocean protect baskets are installed to all nominated pits.
  - f) The interpretative water quality sign is correctly installed
  - g) All (other) signage and warning notices have been correctly installed.

15.15.1.2 Stormfilters that:

- a) They are installed in accordance with the Ocean Protect standard operational guidelines and production drawings;
- b) A minimum of four 200 micron OceanGuards have been installed;
- c) The Stormfilter tank includes a baffle 200 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 690 cartridges;
- d) The Stormfilter weir length is a minimum of 1.4 m;
- e) The Stormfilters have a minimum flow rate of 12.8 l/s at standard weir height;
- f) Metal mosquito proof screens have been provided over all grated accesses into the Stormfilter tank;
- 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.

15.15.1.3 A plumber licensed with NSW Fair Trading, or experienced chartered hydraulic engineer, is to certify that:

- a) All the requirements of the detailed Non-Potable Water Supply and Irrigation Plan have been installed to the required locations.
- b) The pumps, alarms and all other systems are working correctly.
- 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) All toilets are supplied by the 100 kL rainwater tank.
- f) A minimum of ten (10) external taps for landscape watering or washdown. Two taps along the northern boundary landscaping, two taps along the western boundary, three taps along the southern boundary landscaping, and three taps along the eastern boundary landscaping. Alternatively, the irrigation plan from the irrigation expert has been completed as per the plan.
- g) The water from at four toilets and three external taps have been tested to show no chlorine residual.
- h) Rainwater warning signs are fitted to all external taps using rainwater.
- i) All rainwater reuse taps are either locked, or have removable handles with handles removed.
- 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](mailto:WSUD@blacktown.nsw.gov.au)

15.15.1.4 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 or other requirements 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
- e) 3 star Water efficient washing machines and dishwashers have been used

15.15.1.5 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](mailto:WSUD@blacktown.nsw.gov.au)

#### 15.15.2 **Easements/Restrictions/Positive Covenants**

15.15.2.1 WSUD covenant requirements are required by applying Conditions 15.14.4.1, 15.14.4.2, and 15.14.4.3 of this consent.

15.15.2.2 The WSUD elements assessed by Council are on-site stormwater detention, rainwater tanks, Stormfilters and OceanGuards

#### 15.15.3 **Other Matters – Maintenance**

15.15.3.1 WSUD maintenance requirements are required by applying Condition 14.5.7.1 of this consent.

#### 15.16 **Other matters**

15.16.1 An Operational Plan of Management is to be implemented for the Child Care Centre and is to be monitored and enforced by the Director of the Child Care Centre. The Management Plan is to include provisions that:

- a) Ensure children are supervised at all times to minimise noise generated by children.
- b) Install a contact phone number at the front of the centre so that any complaints regarding centre operation can be made.
- c) Initiate a complaints handling procedure.
- d) The carpark must be used by staff (stacked spaces if applicable), visitors and parents at all times to minimise disruption to adjoining property owners/occupants and to prevent staff or visitors parking on the street and not using the basement carpark.
- e) Compliance with the recommendations of the acoustic report.
- f) Include of a graffiti management plan.
- g) Ensure maintenance of the fence and landscaping facing the streets.
- h) Ensure management of deliveries to the site, which should occur outside of peak drop off and pick up times.
- i) Ensure noise management including:
  - Demonstrating how the chosen noise criteria for the Child Care Centre will be adhered to.

- Ensuring that children are supervised at all times to minimise noise generated by children.
  - Installing a contact phone number at the front of the centre so that any complaints regarding Centre operation can be made.
  - Initiating a complaints handling procedure.
- j) Include more detail about the basement car parking arrangements. All visitors and staff who drive to the child care centre must park in the basement and enter the centre through the basement lifts only. Only customers who walk to the centre will be allowed to gain access through the front door at street level. Appropriate signage shall also be required to ensure that visitors and staff are directed to the basement car parking. Access shall be granted on individuals swipe cards for lifts from the basement or the front doors so they are only able to gain access to the centre by one of the two options (basement lifts or front door).

The plan 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.

- 15.16.2 An Operational Plan of Management is to be implemented for the medical centre including detail about how the basement car parking arrangements will operate. All visitors and staff who drive to the medical centre must park in the basement and enter the centre through the basement lifts only. Only customers who walk to the centre will be allowed to gain access through the front door at street level. Appropriate signage shall also be required to ensure that visitors and staff are directed to the basement car parking.

The plan is to be submitted to Council for endorsement prior to the issue of the Occupation Certificate.

## 15.17 **Environmental Health Matters**

- 15.17.1 Trading must not commence until an Occupation Certificate for the development has been issued.
- 15.17.2 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*.
- 15.17.3 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.

## 15.18 **Dedications**

- 15.18.1 Prior to the issue of the Occupation Certificate, documents shall be submitted to Council demonstrating that the proposed Talland Street widening required for the road works has been dedicated and registered with NSW Land and Registry Services (LRS) at no cost to Council as Public Road.

NOTE: Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on a future public road. Any proposal to locate a proposed substation or other utility installation on a

future public road shall be negotiated with and fully endorsed by the relevant Council Directorates.

## 15 **OPERATIONAL (PLANNING)**

### 15.1 **Access/Parking**

- 15.1.1 The 19 staff car parking spaces and 19 customer parking spaces for the child care centre and 9 staff car parking and 23 customer parking for the medical centre are to be provided on the site as indicated on the approved plans and are to be marked accordingly. These spaces are to be maintained in a satisfactory and useable manner.
- 15.1.2 All required off-street car parking spaces and internal driveways shall be maintained to a standard suitable for the intended purpose.
- 15.1.3 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 15.1.4 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 15.1.5 The visitor spaces, staff spaces and disabled space are to be marked appropriately to indicate their intended usage.
- 15.1.6 All staff and visitors to the child care centre or medical centre must park on the site in the basement parking provided. No parking on the street by the staff members and visitors to the child care centre or medical centre is permitted.

### 15.2 **General**

- 15.2.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 15.2.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 15.2.3 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 15.2.4 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.
- 15.2.5 Arrangements shall be made for an effective commercial refuse removal service.
- 15.2.6 The hours of operation of the development shall not be outside of the following nominated times. (This does not include cleaning, maintenance and administrative tasks being undertaken).

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

Approved hours of operation:

Child care centre: Monday – Friday: 7am – 6pm  
(Closed weekends)

Medical centre: Monday – Friday: 9am – 6pm

Saturday: 9am – 2pm  
(Closed Sundays)

Should Council receive justified complaints that the child care centre or medical centre is operating outside these hours, or is causing noise and disturbance to the neighbouring residents, then Council will be required to investigate, which may result in the commencement of enforcement proceedings in the event of non-compliance.

### **15.3 Child Care Centre**

- 15.3.1 The child care centre must implement the Operational Management Plan including the noise management at all times.
- 15.3.2 The first floor of the child care centre is only permitted to be used for administration, staff facilities and storage purposes only, no child care is permitted.
- 15.3.3 A Licence, to operate a Child Care Centre for a maximum of 110 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.

### **15.4 Medical Centre**

- 15.4.1 All client visitation shall be conducted on an “appointment only” basis and clients shall be advised to utilise available on-site parking, rather than parking on the street. Appropriate signage is to be provided indicating the location of visitor car parking on-site.
- 15.4.2 This approval permits a maximum of 5 staff (including a doctor, a visiting specialist, a pathologist, a nurse, and a receptionist / practicing manager) to be on the premises at any given time.

### **15.5 Landscaping**

- 15.5.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 15.5.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.

### **15.6 Use of Premises**

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

### **15.7 Graffiti Removal**

- 15.7.1 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.

### **15.8 Other Matters**

- 15.8.1 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.

- 15.8.2 Approval is given only for the care of a maximum of 110 places (20 children aged 0- 2 years, 44 children aged 2 – 3 years and 46 children aged 3 – 6 years).
- 15.8.3 Separate Council approval is required for any changes to the age group of children or any increase to the number of children. Any proposal for an increase in children numbers may require additional car parking to be provided on site.
- 15.8.4 The use of the premises is to comply at all times with the requirements of the Department of Education, and the National Quality Framework and Standards.
- 15.8.5 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.
- 15.8.6 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.
- 15.9 **Waste Matters**
- 15.9.1 Waste and recycling collections undertaken by private contractor are to be provided by the operator.
- 15.9.2 As the development will be serviced by private waste and recycling contractors, the operator is unable to access Council's household clean up service, or garbage and recycling service. These must be provided by the owner. A Section 88B must be listed on the title to this effect and must contain the following:
- The registered proprietor of the Burdened Lot, or where the Burdened Lot includes a Strata Scheme, the owner of the Burdened Lot:
    - Is responsible for providing all waste and recycling services for the residents of the building or Strata Scheme
    - Must ensure waste and recycling services, and bulky waste collections for the centre are to be provided and undertaken by a private waste and recycling contractors (not Blacktown City Council);
    - Must not access Council's household clean up service or waste/recycling service
    - Indemnifies Council in respect of any claim regarding the non-provision by Blacktown City Council of waste services.
    - This positive public covenant cannot be released, varied or modified without the prior written consent of the Prescribed Authority.
- 15.9.3 The applicant must ensure that bulky waste items such as lounges and fridges etc are collected by private contractors directly from the site. These items must not be presented at the kerbside for collection.
- 15.9.4 Ongoing management of waste for the site must be in accordance with the waste requirements outlined in the approved waste management plan as submitted with the development application. This includes but is not limited to:
- separation or caging of waste equipment onsite from residents (such as chute discharge points or storage areas for bin movement aides etc), to prevent injury or damage.
  - provision and maintenance of suitable signage in all areas with waste facilities such as bin storage areas, waste chute rooms on each floor, chute discharge points, bin collection points, loading bays or any other relevant area accessible to residents, cleaners and/or building management staff.

- separated bin storage areas and associated waste management equipment for commercial and residential components of a development if applicable.
  - provision of bin movement aids such as bin tugs and trolleys if suggested for the site. Adequate storage for both the bin tug and trolley attachment must be shown on the architectural drawings.
  - engagement of a building manager and/or caretaker onsite to manage the waste system if suggested for the site. This includes prompt removal of illegal dumping onsite.
- 15.9.5 The Community Management Statement, Strata Management Statement, the Total Maintenance Plan and/or Plan of Management (whichever is relevant to this site), must be provided to each tenant and/or owner occupier upon commencement of the site, and for every subsequent lease renewal and/or change in ownership of every lot in perpetuity.
- 15.9.6 A building manager must be engaged in perpetuity and for the life of the development to:
- manage bins and bulky waste onsite
  - clean bins and the waste room(s)
  - install and maintain relevant waste management signage onsite
- 15.9.7 Ongoing management of waste in accordance with the Waste Management Plan is to be ensured. The development shall be serviced by private waste and recycling contractors. Any kerbside waste collection and delivery (including garbage and recycling waste) from and to the premises shall take place outside the peak child drop off and pick up hours or after the centre's operating hours with no collection during the sleep hours (10pm to 7am). The bins must not be collected no more than 3 days per week with the potential for general waste and recycling to be collected on the same day. The manager/supervisor of the Childcare Centre will be responsible to take the bins out and place them back in the bin room as soon as possible after pick-up.
- 15.9.8 Waste collection must only occur at times that do not conflict with the peak operating times of the child care centre and medical centre and at times consistent with Council's waste collection activities in the surrounding residential area.
- 15.10 **Signage**
- 15.10.1 Approval has been granted for "business identification signage" only. At no time is the signage to be used for general advertising purposes. Should any change to the signage be proposed (including changes to the sign content, size, dimensions, etc), the separate approval of Council must be obtained.
- 15.10.2 The approved signage must not have or incorporate any of the following:
- (a) flashing or moveable lights,
  - (b) electronically changeable or variable messages;
  - (c) animated displays, moving parts or simulated movements;
  - (d) complex displays that hold motorists attention;
  - (e) displays resembling or imitating road traffic signs or signals;
  - (f) a method and level of illumination that distracts or dazzles;
  - (g) instructions to passing traffic (i.e. words such as Halt or Stop of the like); or



- (h) glossy paints or luminous colours.

## **16 OPERATIONAL (ENVIRONMENTAL HEALTH)**

### **16.1 Environmental Management**

- 16.1.1 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.
- 16.1.2 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.
- 16.1.3 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.
- 16.1.4 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.
- 16.1.5 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.

### **16.2 Child Care Centre**

- 16.2.1 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: Demonstrates how the chosen noise criteria for the Child Care Centre will be adhered to.
- 16.2.2 The food premises shall be maintained in accordance with the requirements of;
- Food Act 2003 and Regulations there under.
  - Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
- 16.2.3 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.
- 16.2.4 The premises is to be registered with Council as a food business.

### **16.3 Medical Centre**

- 16.3.1 All cleaning of medical and surgical instruments and equipment shall comply with the requirements of: Australian Standard 4815:2001: *Office-based health care facilities not involved in complex patient procedures and processes - Cleaning, disinfecting and sterilizing reusable medical and surgical instruments and equipment, and maintenance of the associated environment.*
- 16.3.2 All waste shall be stored suitably and disposed of by an appropriate waste contractor. Under no circumstances is waste from the activity to be disposed of through Council's waste collection services.
- 16.3.3 The premises shall be maintained in accordance with the requirements of;
- *Radiation Control Act 1990*
  - *Radiation Control Regulation 2003*
  - Radiation Guideline 6- Registration requirements& industry best practice for ionising radiation apparatus used in diagnostic imaging 2004
- 16.3.4 The proprietor is to ensure that operation of the medical practice complies with the requirements of the Medical Practice Act 1992.