

Conditions of consent (draft)

Proposed development	Consolidation of lots, demolition of existing structures, removal of trees, construction of a centre-based childcare facility for 140 children over basement car parking and associated works.
Property description	21 - 23 Olive Street, Seven Hills.

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 and any tree(s) located greater than 3 metres from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not indicated on the approved plans and not being exempt development, and
 - (c) the erection of any permanent / structural play equipment not indicated on the approved plans, and
 - (d) the installation of any signage not indicated on the approved plans, not being "Exempt Development" within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008,
 - (e) the erection of any outdoor storage structures or shade structures not indicated on the approved plans, not being "Exempt Development" within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and

- (f) the installation of vehicular footway crossing servicing the development. The vehicular crossing shall be maintained at least 1m clear of any stormwater gully pit and clear of any other utility surface infrastructure.

- 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. Heritage NSW 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 Heritage NSW. No further works are to be undertaken on the site without the written consent of Heritage NSW.

1.4 **Services**

- 1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Recognised energy provider
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

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

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

- 1.5.1 Where any work on an older building is proposed, the applicant should ascertain whether the building contains any contaminants that may present a potential health risk to humans (including asbestos, lead-based paint and the like) and apply appropriate precautions during the work. Further information regarding safe working methods may be obtained from the following organisations and publications (including those which may supersede such publications):

- (a) Safework NSW (Ph: 13 10 50) – “Short Guide to Working with Asbestos”,
- (b) NSW Office of Environment & Heritage (Ph: 9995-5000) – “A Guide to Keep Your Family Safe from Lead”, “A Renovators Guide to the Dangers of Lead”,
- (c) “Code of Practice for the Safe Removal of Asbestos” 2nd Edition– National Occupational Health and Safety Commission:2002 (2005),
- (d) Australian Standard 4361.1-1995 – Guide to Lead Paint Management (Industrial Applications),
- (e) Australian Standard 4361.2-2017 – Guide to hazardous paint management Lead paint in residential, public and commercial buildings, and
- (f) Australian Standard 2601-2001 – The demolition of structures.

1.6 Identification Survey

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

1.7 Other matters

- 1.7.1 Approval is given for the care of a maximum of 140 children (20 children aged 0 – 2 years, 30 children aged 2 – 3 years and 90 children aged 3 – 5 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.

1.8 Payment of Engineering Fees

- 1.8.1 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:
- i. Complete application form
 - ii. Submit all relevant plans produced by a suitably qualified person and in
 - iii. accordance with Councils Standards.

1.9 Road Damage

- 1.9.1 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.

1.10 **Tree Planting and Service Locations (After all other services)**

- 1.10.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.
- 1.10.2 Street tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued

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 Title (prepared by Baini Design)	Dated
Site and Demolition Plan Dwg 07 Issue C	20/01/2023
Basement 2 Floor Plan Dwg 08 Issue C	20/01/2023
Basement 1 Floor Plan Dwg 09 Issue C	20/01/2023
Ground Floor Plan Dwg 10 Issue C	20/01/2023
First Floor Plan Dwg 11 Issue C	20/01/2023
Second Floor Plan Dwg 12 Issue C	20/01/2023
Roof Plan Dwg 13 Issue C	20/01/2023
Elevation Plans Dwg 14 and 15 Issue C inclusive (2 sheets)	20/01/2023
Section Plan Dwg 16 Issue C	20/01/2023
Schedule of Finishes Plan Dwg 22 Issue C	20/01/2023
Fencing Details Plan Dwg 33 Issue C	20/01/2023
Fencing Details First Floor Plan Dwg 34 Issue C	20/01/2023
Fencing Details Second Floor Plan Dwg 35 Issue C	20/01/2023
Drawing Title (prepared by IScape)	Dated
Landscape Plan 1 and 2 (2 sheets)	August 2022

* unless modified by a condition 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 140 children.
- 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.
- 2.1.4 Approval is granted for the removal of trees numbered 1, 2, 5 and 6 as indicated in the Arborist Report Ref 7849 prepared by Red Gum Horticultural dated 23 May 2022.
- 2.1.5 Prior to the issue of a Construction Certificate relating to the approved development, full detail plans in relation to the proposed street tree planting and landscaping consistent with Council's adopted Street Tree Guidelines shall be submitted to and approved by Councils Open Space Infrastructure Officer. The Street Tree Plan shall

observe the species palette identified by Council's Street Tree Guidelines and will include the following:

- cross-sections showing dimensions of tree pits,
- species to be:
 - Angophora floribunda in William Street
 - Waterhousia floribunda in Olive Street
- details of root protection barriers,
- minimum container size of 45 litres,
- soil specifications,
- location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities,
- street tree maintenance.

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.

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: Seven Hills.

2.4 Other Matters

- 2.4.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 2.4.2 Any future substation, 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.
- 2.4.3 Each year the registered proprietor/owner's corporation is to provide to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au a report outlining all non-potable water used annually and the percentage of non-potable reuse from the rainwater tank. Based on modelling it is agreed that for non-potable reuse that the rainwater tank is achieving a minimum 79% reuse with a minimum reuse supplied of 0.33 ML/yr.

2.5 Engineering Matters

2.5.1 Design and Works Specification

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version).
- (b) Blacktown City Council's Engineering Guide for Development (Current Version).
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- (d) Blacktown City Council On Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M.

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

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

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

2.5.2 Other Necessary Approvals

- 2.5.2.1 A separate application will be required for the following approvals, under the *Local Government Act 1993* and/or the *Roads Act 1993*.
- i. Vehicular crossing.
 - ii. Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval).

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

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

3.2 Services/Utilities

- 3.2.1 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.

3.3 Consolidation of Lots

- 3.3.1 The lots shall be consolidated into one title which shall be registered with NSW Land Registry Services.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Aesthetics/Landscaping

- 4.1.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent 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.
- 4.1.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.
- 4.1.3 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the photomontage and/or the external material and finishes schedule approved in Condition 2.1.1 of this consent.
- 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.
- 4.1.4 The landscaping shall be carried out in accordance with the approved landscaping plans and shall ensure suitable planting is provided to screen the acoustic walls.
- 4.2 **Fencing**
- 4.2.1 All boundary and internal fencing shall be constructed in accordance with the approved plans and recommendations of the Acoustic Report Ref. 1022035 has been prepared by Acoustic Works dated 8 September 2022. 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.
- 4.2.2 Fencing adjoining public roads is to be finished with an anti-graffiti coating and should be provided with etching or colour banding to enhance the streetscape.
- 4.2.3 All retaining walls are to be of masonry construction.
- 4.3 **Access/Parking**
- 4.3.1 The car park and driveway must comply with Australian Standard 2890.1 in terms of dimensions, sight distance driveway width and manoeuvrability requirements.
- 4.3.2 A minimum of 44 car parking spaces are required to be provided on site, being 20 staff car parking spaces (excluding a cook as this is not sought by the applicant) and 24 visitor car parking spaces (including 1 disabled car parking space) and are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1.
- All car parking spaces shall be line-marked and signage to be provided for all staff parking spaces. A designated parking space for any cook has not been included in the required parking spaces.
- 4.3.3 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.
- 4.3.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 4.4 **Plant and Equipment**

- 4.4.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems and substations, etc. are appropriately located and treated so as not to be visually prominent. All plant and equipment must be located in a place where children cannot access it.
- 4.5 **Other matters**
- 4.5.1 External service fixtures and conduits are to be part of the overall appearance of the building, or are to be screened from view.
- 4.5.2 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.
- 4.5.3 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 (BUILDING)

5.1 Building Code of Australia Compliance

- 5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) Complying with the deemed to satisfy provisions, or
 - (b) Formulating an alternative solution which:
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

5.2 Site Works and Drainage

- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under an environmental planning instrument), 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.
- 5.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159 mm per hour over an average recurrence interval of 20 years. The design shall:
- (a) be in accordance with Australian Standard 3500.3, and
 - (b) provide for drainage discharge to an existing Council drainage system, and
 - (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.
- 5.2.3 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.

5.2.4 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.

5.3 Demolition

5.3.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the Safe work NSW under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2005 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be attached to the Construction Certificate.

5.4 Other Matters

5.4.1 Retaining wall(s) and/or other effective methods to retain excavated or filled ground (other than those sites works which may be Exempt Development under an environmental planning instrument), together with any associated groundwater drainage system, shall be constructed and/or provided in accordance with the plans attached to the Construction Certificate.

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

6.1 General

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

6.1.2 The engineering drawings referred to below are not for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a section 4.55 application.

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

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
MANCE ARRAJ Civil & Structural Engineers	2979-DA	2979-DA	SW001	A	08/08/22
			SW010	B	24/08/22
			SW020	E	02/02/23
			SW021	D	02/02/23
			SW022	D	02/02/23
			SW030	B	02/02/23
			SW031	A	08/08/22
			SW040	A	02/02/23

			SW050 SW060	A A	02/02/23 02/02/23
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6.2 Construction Certificate Requirements

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

- (i) on-site stormwater detention.

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

6.2.2 Amended Engineering Stormwater Drawings are required from Mance Arraj Civil and Structural engineers and be generally in accordance with Project No. 2979-DA, drawing number SW001 Rev A, SW010 Rev B, SW020 Rev E, SW021 Rev D, SW022 Rev D, SW030 Rev B, SW031 Rev A, SW040 Rev A, SW050 Rev A, and SW060 Rev A, addressing the following items:

- (a) Provide a minimum rainwater tank of 82.5 kL before overflow, collecting a minimum 550 m² of roof area. This is required to achieve 80% water conservation controls for reuse rates of 0.1kL per toilet per day and 0.4KI per sqm of landscaping.
- (b) Provide a first flush or other pre-treatment system before discharge of roof water to the rainwater tank.
- (c) Rainwater tank location shall be adjusted so that It does not encroach under the OSD tank to allow for maintenance.
- (d) Amend both overflow pits to be 1.2x1.2m.
- (e) All OSD access grates shall be grated.
- (f) Provide a 2% minimum fall for the OSD tank base.
- (g) Detail confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks, and detention tank in accordance with Council's Engineering Guide for Development 2005.
- (h) Provide on-site stormwater detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.
- (i) Design all the roof and podium drainage to cater for the 100Y ARI event.

6.2.3 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.

6.2.4 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 nine (9) external taps for landscape watering or washdown. One tap on second floor, one tap on first floor, and 7 taps on the ground floor evenly spread across the landscape areas on the ground floor level front, sides and rear setback areas.
- (h) Providing a minimum rainwater tank size of 82.5 kL below overflow, servicing all toilets and landscaping/washdown.
- (i) UV disinfection.
- (j) Ensuring all the rainwater reuse pipes and taps are coloured purple.
- (k) Rainwater warning signs are fitted to all external taps using rainwater.
- (l) All rainwater reuse taps are to be lockable or have removable handles.

6.2.5 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 water efficient washing machines and dishwashers are to be specified.

6.3 **Other Engineering Requirements**

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

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

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

6.3.4 Submit written evidence from Sydney Water indicating compliance with all necessary requirements.

- 6.3.5 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

6.4 **Drainage**

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

6.5 **Erosion and Sediment Control**

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

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

- 7.1 Plans and specifications submitted for issue of a Construction Certificate shall demonstrate compliance with the requirements of:

- (a) Food Act 2003 and its Regulation.
- (b) Australian Standard 4674-2004 Design, construction and fit-out of food premises.

- 7.2 The recommendations provided in Section 10 the Acoustic Report Ref. 1022035 prepared by Acoustic Works dated 8 September 2022 shall be implemented.

- 7.3 A Construction Environmental management plan (CEMP) shall be prepared for Council's Environmental Health Section's approval, that outlines how demolition and construction activities will be managed to avoid or mitigate environmental and/or nuisance impacts.

- 7.4 A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:

- (a) does not exceed an LAeq sound pressure level of 5dB (A) above the ambient background noise level when measured
 - i. at the most effected point on or within any residential property boundary or
- (b) at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates. Cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am. The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

- 7.5 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with:

- (a) NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites (2020).
- (b) NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995).
- (c) NSW Environment Protection Authority's "Contaminated Sites: Guidelines for NSW Site Auditor Scheme" 3rd edition (2017).
- (d) National Environment Protection Council "National Environment Protection (Assessment of Site Contamination) Measure" (2013).

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.

8 PRIOR TO CONSTRUCTION CERTIFICATE (TREE)

- 8.1 Tree Nos. 3 and 4 identified in the Arborist Report Ref 7849 prepared by Red Gum Horticultural dated 23 May 2022 shall have a monetary tree preservation bond placed on them, as this shall be paid in line with the current Goods and Services Pricing Schedule, to ensure the retention and protection is in line with the Australian Standard AS:4970-2009 Protection of trees on development sites.
- 8.2 Tree Nos. 3 and 4 are to be retained in situ and protected as detailed in Section 7.5 – 7.7 Part A of the Arborist Report Ref 7849 prepared by Red Gum Horticultural dated 23 May 2022, and Section 14, Section 16, and Appendix F of Part B of the Tree Protection Plan Report. Tree protection measures are to be implemented in line with Australian Standard AS:4970-2009 Protection of trees on development sites and installed before construction commences.
- 8.3 Two inspection fees as per Council's Goods and Services Pricing Schedule will be applicable for the authorised officer to inspect the tree protection measures implemented before construction commencing and following a request for the return of the tree preservation bond.
- 8.4 A root mapping investigation is to be undertaken along the building footprint closest to Tree No. 4 as there may be major encroachment into its structural root zone. A report is to be presented to Council before Construction Certificate to validate the tree's viability during and after construction.

9 PRIOR TO DEVELOPMENT WORKS COMMENCING

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 the Environmental Planning and Assessment Regulation 2021 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 40mm or larger aggregate placed 150mm 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 the Environmental Planning and Assessment Regulation 2021, 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 Customer Centre or Quick Check Agent, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For Quick Check Agent details, please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or call 13 20 92 for assistance.

9.4 **Dilapidation Report**

- 9.4.1 Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with an electronic copy forwarded to Council, a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation of the geotechnical report.

In the event that access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principal Certifying Authority.

Note: This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

9.5 **Geotechnical Report**

- 9.5.1 Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:

- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the

ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.

- (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
- (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
- (d) The impact on groundwater levels in relation to the basement structure.
- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.
- (f) Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.
- (g) The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction.
The implementation program is to nominate suitable hold points for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.

- (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

10 PRIOR TO DEMOLITION WORKS

10.1 Safety/Health/Amenity

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

A hoarding or protective barrier shall be erected between the work site and the public place or adjoining land or place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place or adjoining land or place.

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

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

Each toilet provided shall be:

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

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

10.2 Tree Protection

Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage.

10.3 Other Matters

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

- (a) date/s, hours and duration of the works,
- (b) contact name and phone number of the applicant,
- (c) contact name and phone number of the licensed demolisher,
- (d) SafeWork NSW contact number 131050, and email address contact@safework.nsw.gov.au .

10.3.2 The applicant must engage a contractor with a current and appropriate demolition license issued by Safe Work NSW, including a license for asbestos removal, if asbestos is being removed.

10.4 Environmental Health

10.4.1 A Hazardous Materials Survey (HMS) shall be prepared for the site prior to demolition of any onsite structures, with any control measures outlined in the report to be implemented during demolition of structures. Following removal, a clearance inspection and issuing of a clearance certificate for the area should be completed by an independent licensed asbestos assessor or competent person.

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

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 the Environmental Planning and Assessment Regulation 2021 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 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.
- 11.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 11.1.6 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 11.1.7 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 11.1.8 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
 - (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 11.1.9 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

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 Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 11.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

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

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 225mm above the adjoining finished ground level, and/or
- (b) being drained to an effective drainage system.

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 Certifying Authority.

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

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

12 During Demolition Works

12.1 Safety/Health/Amenity

- 12.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 12.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 12.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 12.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 12.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 12.1.6 Any excavation and/or backfilling associated with the demolition works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 12.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable SafeWork NSW requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2005 (if applicable).
- 12.1.8 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 12.1.9 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 12.1.10 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.
- 12.1.11 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- 12.1.12 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.

12.2 Nuisance Control

- 12.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the demolition works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 12.2.2 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7 am and 6 pm, Monday to Friday, and 8 am to 1 pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.
- 12.2.3 The waste material sorting, storing and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of the demolition works.

13 DURING CONSTRUCTION (ENGINEERING)

13.1 Notification of Works

- 13.1.1 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.
- 13.1.2 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.

13.2 Insurances

- 13.2.1 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.

13.3 Service Authority Approvals

- 13.3.1 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.

13.4 Boundary Levels

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

13.5 Other Matters – Drainage

- 13.5.1 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.
- 13.6 **Soil Erosion and Sediment Control Measures**
- 13.6.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 13.6.2 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.
- 13.6.3 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.
- 13.7 **Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**
- 13.7.1 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.
- 13.8 **Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993**
- 13.8.1 All inspection(s) required by this consent for any engineering works that are approved under the Roads Act 1993 or Local Government Act 1993 must be made by Council's Development Overseers.
- Inspections must be pre-booked with a minimum 24 hours' notice. Council's Development Overseers may be contacted on 02 9839 6586 between 6 am – 7 am, Monday to Friday.
- Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).
- 13.9 **Public Safety**

- 13.9.1 The applicant is advised that all works undertaken are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.
- 13.10 **Site Security**
- 13.10.1 Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish.
- 13.11 **Traffic Control**
- 13.11.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Transport for NSW 's Work Zone Traffic Management Plan accreditation and photo card for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2009.
- 13.11.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Transport for NSW's accreditation and photo card to implement Traffic Control Plans.
- 13.11.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Transport for NSW's Traffic Controller accreditation and photo card and carry it with them.
- 13.11.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Transport for NSW accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2009.
- 13.11.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a person who holds a current Transport for NSW accreditation to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 – 2009 and the current version of the Transport for NSW's *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

14 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

- 14.1 An unexpected finds policy (UFP) should be prepared and implemented for the proposed site redevelopment works.
- 14.2 All works carried out shall comply with the requirements of;
- Food Act 2003 and its Regulation.
 - Australian Standard 4674-2004 Design, construction and fit-out of food premises.
- 14.3 The recommendations provided in Section 10 of the Acoustic Report Ref. 1022035 prepared by Acoustic Works dated 8 September 2022 shall be implemented.
- 14.4 All waste generated on the site during the construction must be classified in accordance with the NSW EPA's Environmental Guidelines: Assessment,

Classification and management of Liquid and Non-Liquid Waste and disposed of at a facility that may lawfully accept the waste.

- 14.5 Any asbestos material is to be handled and treated in accordance with the WorkCover document “*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*” dated March 2008.
- 14.6 Any fill material imported onto the site must be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) and must be analysed and validated by an appropriately qualified and experienced environmental consultant in accordance with relevant NSW EPA guidelines, including the ‘Waste Classification Guidelines’ 2014 and the NSW EPA Contaminated Land Guidelines: Sampling design (2022).

15 DURING CONSTRUCTION (TREE)

- 15.1 When undertaking excavation within the tree protection zones for Tree Nos 3 and 4 as identified in the Arborist Report Ref 7849 prepared by Red Gum Horticultural dated 23 May 2022, care should be taken not to damage roots 50 mm and over. Non-destructive techniques should be used such as Manual excavation, Vacuum excavation, or Air Spade.
- 15.2 A Project Consulting Arborist must be appointed prior to demolition of any existing structures or earthworks and that they register with the builder before any works commence so that the builder can be inducted as to important times when Arborist will be required on-site. Hold points, inspections and certification are to be carried out as per Section 14 of Part B of the Tree Protection Plan Report. Upon the completion of the development works, a final assessment of the trees shall be undertaken by the Project Arborist and future recommended management strategies implemented as required. The final assessment report is to be presented to Council to provide advice on the retained trees (as per the Arborist Report Ref 7849 prepared by Red Gum Horticultural dated 23 May 2022) health to make determination of any bond return to the applicant.

16 COMPLETION OF DEMOLITION WORKS

16.1 Final Inspection

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

16.2 Hazardous Materials and Waste

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

17 PRIOR TO OCCUPATION CERTIFICATE

17.1 Road Damage

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

17.2 Compliance with Conditions

- 17.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 17.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.10 of the Environmental Planning & Assessment Act 1979.

17.3 Service Authorities

- 17.3.1 A final written clearance shall be obtained from Sydney Water Corporation, energy provider and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.
- 17.3.2 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of any Occupation Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or call 13 20 92 for assistance. Following application "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 Occupation Certificate being issued.
 - (b) 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.
 - (c) 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.

17.4 Temporary Facilities Removal

- 17.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.

- 17.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 17.4.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 17.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 17.4.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.
- 17.5 **Fire Safety Certificate**
- 17.5.1 A final fire safety certificate complying with Section 41 of the Environmental Planning and Assessment Regulation 2021 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).
- 17.6 **Post Dilapidation Report**
- 17.6.1 The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings and or infrastructure.
- The report is to be submitted to the PCA prior to the issue of the occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report and a copy of this report forwarded to Council electronically.
- 17.7 **Landscaping / fencing and retaining walls**
- 17.7.1 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.
- 17.7.2 All required street tree planting and payments of bonds are to be completed to the satisfaction of Council's Open Space Maintenance Section before Subdivision Certificate is issued or by agreement with Council's Open Space Infrastructure Officer. The applicant will be required to pay a bond per tree as indicated in Council's current goods and services pricing schedule to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the issuing of Practical Completion if the trees are maturing satisfactorily.
- 17.7.3 The applicant is responsible for notifying Council's Open Space Infrastructure Officer when the trees have been installed to request a practical completion inspection and at the end of street tree bond maintenance period for an inspection. The applicant will also be required to pay two inspection fees and a landscaping assessment fee as indicated in the current goods and services pricing

schedule. Councils Open Space Infrastructure Officer will inspect all street trees during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification.

- 17.7.4 Street tree planting must be undertaken in line with the approved Street Tree Plan issued Prior to Construction Certificate. Trees must be of a minimum container size of 45 litres with root barriers. The applicant must obtain clearances from relevant service authorities.
- 17.7.5 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. 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.
- 17.7.6 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.

17.8 **Fee Payment**

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

17.9 **Engineering Matters**

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

- 17.9.1.1 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.
- 17.9.1.2 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.
- 17.9.1.3 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 82.5 m3 below overflow single rainwater tank has been provided collecting roof water from a minimum 550 m2 of roof area.
 - (c) The minimum detention storage of 24.25 m3 has been provided below the 50% AEP weir and a total of 36.5 m3 has been provided below the 1% AEP emergency overflow weir for OSD 1.
 - (d) The minimum detention storage of 22 m3 has been provided below the 50% AEP weir and a total of 33.5 m3 has been provided below the 1% AEP emergency overflow weir for OSD 2.
 - (e) The orifice size matches the approved construction certificate plans.
 - (f) The interpretative water quality sign is correctly installed.

- (g) All (other) signage and warning notices have been correctly installed.
- 17.9.1.4 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:
- (a) All the requirements of the detailed Non-Potable Water Supply & Irrigation Plan have been installed to the required locations.
 - (b) 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;
 - (c) The pumps, alarms and all other systems are working correctly; and
 - (d) The initial flow meter readings are detailed in the certificate.
 - (e) All toilets are supplied by 82.5 kL rainwater tank.
 - (f) A minimum of 9 external taps for landscape watering or washdown. One tap on second floor, one tap on first floor, and 7 taps on the ground floor evenly spread across the landscape areas on the ground floor level front, sides and rear setback areas. The water from at least 4 toilets (two from each level) and 4 external taps have been tested to show no chlorine residual.
 - (g) Rainwater warning signs are fitted to all external taps using rainwater.
 - (h) 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
- 17.9.1.5 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- (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 Water efficient washing machines and dishwashers have been used.
- 17.9.1.6 This development requires separate approvals under the Roads Act 1993 and prior to the issue of an Occupation Certificate, the applicant must obtain written confirmation from Council that these works have been completed to its satisfaction.
- 17.9.2 **Easements/Restrictions/Positive Covenants**
- 17.9.2.1 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 easements and restrictions as accepted by NSW Land Registry Services.

- 17.9.2.2 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).
- 17.9.2.3 Each of the proposed lots serviced by the existing inter-allotment drainage easements shall have this burden and benefit created under Section 88B of the Conveyancing Act 1919.
- 17.9.2.4 All Section 88B restrictions and covenants created as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.
- 17.9.3 **Other Matters**
- 17.9.3.1 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.
- 17.9.3.2 Prior to the issue of the Occupation certificate, the applicant shall provide a Positive covenant and Restriction on the use of land over the WSUD system installed on the property. The Positive covenant and Restriction on the use of land is to be in accordance with Appendix F of Council's Engineering Guide for Development. The Positive covenant and Restriction on the use of land is to be endorsed by Council and lodged with New South Wales Land Registry Services. The applicant shall submit documentary evidence of the lodgement and execution of the Positive covenant and Restriction on the use of land to Council prior to the issue of the final Occupation certificate.
- 17.9.3.3 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.
- 17.9.4 **Inspections**
- 17.9.4.1 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.
- 17.10 **Environmental Health matters**
- 17.10.1 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*.

17.10.2 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.

17.10.3 The recommendations provided in Section 10 of the Acoustic Report Ref. 1022035 prepared by Acoustic Works dated 8 September 2022 shall be implemented.

17.11 **Car Parking**

17.11.1 44 car parking spaces (20 staff parking spaces and 24 visitor spaces for the child care centre including 1 disabled space with shared zone) are to be provided on site, designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1. All visitor spaces must be accessible at all times whilst the child care centre is in operation. All spaces are to be marked appropriately to indicate their intended usage.

17.11.2 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability and directing parents and visitors to park in the basement and not on the street.

17.11.3 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.

17.11.4 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.

17.11.5 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.

17.12 **Graffiti Management Plan**

17.12.1 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.

17.13 **Building Materials**

17.13.1 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.

17.14 **Lighting**

17.14.1 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.

17.14.2 All bollard and lighting is to be installed prior to the release of the Occupation Certificate.

17.15 **Other matters**

17.15.1 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) Lift access to the first and second floors of the facilities are to be accessible only by the facility staff, for improved safety and limiting access by the public.
- (c) Install a contact phone number at the front of the centre so that any complaints regarding centre operation can be made.
- (d) Initiate a complaints handling procedure.
- (e) 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.
- (f) Parents to be directed to use the basement car parking for drop off and pick up of children using the lift and not the front door. Front door is to be used only for parents walking to site from nearby homes.
- (g) Compliance with the recommendations of the acoustic report.
- (h) Include a graffiti management plan.
- (i) Ensure maintenance of the fence and landscaping facing the streets.
- (j) Ensure management of deliveries to the site, which should occur outside of peak drop off and pick up times.
- (k) Ensure noise management including:
 - (i) Demonstrating how the chosen noise criteria for the child care centre will be adhered to.
 - (ii) Ensuring that children are supervised at all times to minimise noise generated by children.
 - (iii) Installing a contact phone number at the front of the centre so that any complaints regarding centre operation can be made.
 - (iv) Initiating a complaints handling procedure.

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

- 17.15.2 The final Emergency Management Plan should be in accordance with Clauses 97 and 168 of the Education and Care Services National Regulations. A copy is to be submitted to Council for its records.

17.16 Waste Management Plan

- 17.16.1 The approved Waste Management Plan should include the following operational management:
- (a) 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 or and pick up hours or after the centres operating hours with no collection during the sleep hours of 10pm to 7am. The bins must not be collected more than 3 times per week with the potential for general waste and recycling to be collected on the same day. The manager / supervisor of the Child Care Centre will be responsible for taking the bins out and placing them back in the bin storage area as soon as possible after pick up.

17.17 Separate Approval from NSW Department of Education

- 17.17.1 A Licence to operate a child care centre for a maximum of 140 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.

18 OPERATIONAL (PLANNING)

18.1 Access/Parking

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

The visitor spaces, staff spaces and disabled space are to be marked appropriately to indicate their intended usage. A designated parking space for any cook has not been included in the required parking spaces.

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

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

18.2 General

- 18.2.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 18.2.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 18.2.3 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.

18.2.4 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.

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

Approved hours of operation:	Monday to Friday:	7am to 6pm
	Saturday, Sunday and Public Holidays	Closed

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

The approved hours as listed above does not include cleaning, maintenance and administrative tasks being undertaken, these can be carried out outside of the above hours subject to ensuring no noise impacts on adjoining properties and compliance with any legislative noise requirements.

18.2.6 The centre must implement the Operational Management Plan including the noise management at all times.

18.2.7 The development shall be serviced by private waste and recycling contractors in accordance with the submitted Waste Management Plan to Council. Any kerbside collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall take place outside of the peak child drop off and pick up hours or after the centre's operation hours.

The bins must not be collected on more than 3 days a week with the potential for general waste and recycling to be collected on the same day.

The manager / supervisor of the child care centre will be responsible for taking the bins out after hours and placing in the loading bay area, cleaning of the bins and the waste area, management of bulky waste generating onsite and management of illegal dumping onsite.

18.2.8 The final Emergency Management Plan is to be adhered to at all times, and updated as necessary.

18.3 **Landscaping**

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

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

18.4 **Use of Premises**

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

18.5 **Graffiti Removal**

- 18.5.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed no later than 48 hours after detection.
- 18.6 **Other Matters**
- 18.6.1 This consent does not authorise the use of the land for child care purposes unless the operator and all employees are in possession of current licences from the NSW Department of Education.
- 18.6.2 Approval is given only for the care of a maximum of 140 children (20 children aged 0- 2 years, 30 children aged 2 – 3 years and 90 children aged 4 – 5 years).
- 18.6.3 Separate Council approval is required for any changes to the age group of children if that affects the ratio of staff to children in a manner that requires more staff, 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.
- 18.6.4 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.
- 18.6.5 All staff members who drive themselves to work 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 encouraged to park in the basement rather than on the street, through the Plan of Management and by verbal advice from staff.
- 18.6.6 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.
- 18.6.7 Ongoing management of waste shall be in accordance with the Waste Management Plan submitted by the applicant and updated by any condition of this consent.
- 18.7 **Signage**
- 18.7.1 No advertisement/signage shall be erected on or in conjunction with the development without prior consent of Council unless considered exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

19 OPERATIONAL (ENVIRONMENTAL HEALTH)

- 19.1 The recommendations provided in Section 10 of the Acoustic Report Ref. 1022035 prepared by Acoustic Works dated 8 September 2022 shall be implemented.
- 19.2 The Noise Management Plan outlined in the Plan of Management, dated September 2022 shall be implemented and is to be monitored and enforced by the Director of the Child Care Centre.
- 19.3 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.

- 19.4 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 Environmental Noise Impact Assessment's findings. The report is to be submitted to Council to review.
- 19.5 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.
- 19.6 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.
- 19.7 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.
- 19.8 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.
- 19.9 The food premises shall be maintained in accordance with the requirements of;
- Food Act 2003 and its Regulation.
 - Australian Standard 4674-2004 Design, construction and fit-out of food premises.
- 19.10 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and its Regulation.
- 19.11 The premises is to be registered with Council as a food business.

20 OPERATIONAL (TREE)

- 20.1 The bond amount for the preservation of Tree Nos. 3 and 4 as identified in the Arborist Report Ref 7849 prepared by Red Gum Horticultural dated 23 May 2022, will be returned 12 months following the issue of the final Occupation Certificate and following the submission of a final report by the applicant's project Arborist. The confirmation about the health and structure of the tree will be done following considerations of the final report and an inspection by an authorised officer from Council's Arboriculture Section.