

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA-24-00513

Development: Demolition of existing structures, removal of vegetation and construction of a two-storey centre based child care centre to accommodate 130 children and 18 staff with basement car parking for 40 vehicles, associated site works, acoustic barriers/fencing and landscaping. Proposed hours of operation are 7:00am to 6:00pm Monday to Friday.

Site: 151 Bridge Street, Schofields NSW 2762, and legally described as Lot 161 in DP 1001063

The above development application has been determined by the granting of deferred consent subject to the conditions specified in this consent.

Date of determination: 14 October 2025

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 151 Bridge Street, Schofields NSW 2762, and legally described as Lot 161 in DP 1001063).

The conditions of consent are as follows:

DEFERRED COMMENCEMENT CONDITION

This deferred commencement consent shall not operate until the Applicant satisfies Council, in accordance with the *Environmental Planning and Assessment Regulation 2021*, in relation to the matters listed in the Part 1 Deferred Commencement Conditions.

Upon Council being satisfied as to the matters listed in the Part 1, Council will notify the Applicant in writing that the consent has been made operative subject to the conditions listed in Part 2 Operative Conditions.

Should Council not be satisfied as to the matters listed in the Part 1 Deferred Commencement Conditions within the specified timeframe, this deferred commencement consent will be rendered permanently inoperative.

Part 1 - Deferred Commencement Conditions:

A1. Pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, deferred commencement consent is granted subject to the following:

- (a) Development consent is to be obtained which permits the drainage of stormwater from the site through 153 Bridge Street, Schofields to a point of discharge.
- (b) Written evidence must be provided to Blacktown City Council of a lawful entitlement to drain stormwater via 153 Bridge Street, Schofields and to the point of discharge.
- (c) The written evidence must establish that an easement has been created, or the existing easement modified (if required) as well as any agreement with Transport for NSW.

A2. The proponent must provide Blacktown City Council with written evidence demonstrating that the matters listed under Part A1 above have been satisfactorily addressed within 48 months of this determination or the consent will lapse.

A3. Upon satisfying the matters listed in Part A1 and A2, an operational development consent would then be issued by Blacktown City Council.

PART 2 – Operative Conditions

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) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
- (b) the erection of any permanent / structural play equipment not indicated on the approved plans, and
- (c) 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*, and
- (d) 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*.

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

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

1.4 **Services**

1.4.1 The applicant is advised to consult with:

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

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

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

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

1.4.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe

asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

1.4.3 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

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

1.5 Identification Survey

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

1.6 Other matters

1.6.1 Approval is given for the care of a maximum of 130 places (20 children aged 0 – 2 years, 20 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.

2 GENERAL

2.1 Scope of Consent

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

Architectural plans by Janssen Design (Job No.10263)	Drawing No.	Issue	Dated
Calculations and LEP controls	A001	O	25.06.2025
Demolition Plan	A003	O	25.06.2025

Site Plan	A004	O	25.06.2025
Basement Plan	A006	O	25.06.2025
Ground Floor Plan	A007	O	25.06.2025
First Floor Plan	A008	O	25.06.2025
Roof Plan	A009	O	25.06.2025
Acoustic Fencing Details	A010	P	27.06.2025
Elevations	A011	O	25.06.2025
Sections	A012	O	25.06.2025
Cut and Fill Plan	A013	O	25.06.2025
Fence Detail	A023	O	25.06.2025
Kitchen and Gate Details	A024	O	25.06.2025
Kids WC 01 - 02	A025 & A026	O	25.06.2025
Nappy Change	A027	O	25.6.2025
Door and Window Schedule	A028	O	25.6.2025
Colour and Finishes Schedule	A031	O	25.06.2025
Landscape Plan by Outside In Design Group	Drawing No.	Issue	Dated
Ground Floor Landscape Concept	01	E	14.07.2025
First Floor Play Area, Plant Schedule + Standard Details	L - 02	E	14.07.2025
Streetscape Elevation - West	L - 03	E	14.07.2025
Fence Details	L - 04	E	14.07.2025
Reports	Report by	Issue	Dated
Operational Waste Management Plan	MRA Consulting Group	1	16.05.2025
Plan of Management	Early Education Solutions	10	17.07.2025
Arboricultural Impact Assessment	Creative Planning Solutions	G112 Rev C	16.05.2025
Traffic and Parking Impact Assessment	McLaren Traffic	240858.01FC Issue C	12.05.2025
Environmental Noise Impact Assessment	Day Design Pty Ltd	7945-1.1R Rev D	14.07.2025

* 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 130 places (20 children aged 0 – 2 years, 20 children aged 2 – 3 years and 90 children aged 3 – 5 years).

- 2.1.3 This consent does not authorise the use of the land for the purpose of a child care centre unless the operator and all employees are in possession of current licences from the NSW Department of Education – Early Childhood Education Directorate.

2.2 Suburb Name

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

Suburb: Schofields

2.3 Services

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

2.4 Other Matters

- 2.4.1 No construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued.
- 2.4.2 Any future substation or other utility installation, including easement impositions required to service the approved development must not under any circumstances be sited on future or existing Council land, including, but not limited to road reservations, drainage land and/or public reserves.

2.5 Road Damage

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

2.6 Engineering Notes

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

2.7 Payment of Engineering Fees

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

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

2.8 Engineering Matters

2.8.1 Design and Works Specification

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

(a) Blacktown City Council's Works Specification - Civil (Current Version)

(b) Blacktown City Council's Engineering Guide for Development (Current Version)

(c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management

(d) Blacktown City Council Growth Centre Precincts Development Control Plan

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

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

2.9 TfNSW Requirements

2.9.1 All requirements issued by Transport for NSW shall be complied with prior, during, and at the completion of construction, as required in accordance with the correspondence letter dated 24 March 2025 at Attachment "1".

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 Special Infrastructure Contribution

3.1.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the *Environmental Planning and Assessment Act 1979* under Section 7.23 of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Environment

before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

More information

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

[http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem /tabid/75/language/en-US/Default.aspx](http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx)

3.2 DA Plan Consistency

- 3.2.1 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.

3.3 Footpath/Road Condition Assessment Fee

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

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

3.4 Services/Utilities

- 3.4.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.

3.5 Other Matters

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

3.6 Section 7.11 Contributions under Section 7.17 Directions

- 3.6.1 Before the issue of any Construction Certificate (for building works) or

Subdivision Certificate (for subdivision works), whichever occurs first, contributions under Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid.

These payments contribute to the provision of the local infrastructure specified in the contribution/s plan specified below.

The amounts below are as at 18 June 2025. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED and payments made by credit card attract a % surcharge as detailed in Council's Goods and Services Pricing Schedule.

Contribution Item	Amount
Stormwater Quantity	\$179,784.00
Stormwater Quality - R2 zone	\$34,127.00
Traffic Management	\$46,582.00
Total	\$260,493.00

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

Developable area: 0.1843 hectares

The contribution(s) will be indexed according to index specified in the contributions plan.

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

Section 7.11 Contributions Plan No. 24 – Schofields Precinct

3.8 Landscape Plan

- 3.8.1 To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a minimum 24-month establishment period following the issue of the Occupation Certificate shall be prepared and provided to Council's or the Accredited Certifier's satisfaction with the Construction Certificate Application. The strategy is to address maintenance issues such as plant survival, irrigation, soil testing, weeding, fertilising, pest and disease

control, removal of plant stakes, replanting, formative and other pruning, and the like.

- 3.8.2 The landscape plan is to be amended to delete proposed angophora floribunda at front south-west corner and replace with Corymbia maculata (Spotted gum) at 75 litre container size.

3.9 **Tree Protection Plan**

- 3.9.1 A site-and-tree specific Tree Protection Plan is to be prepared by an AQF5 qualified arborist prior to issue of the Construction Certificate. The tree protection plan is to be prepared in accordance with the principles and specifications of Australian Standard 4970-2025. Protection of trees on development sites, and is to include as a minimum:

- A site plan showing the locations of proposed tree protection fencing, type and extent of ground protection and other tree protection devices within the tree protection zones of all trees identified to be retained i.e. Trees 1 and 2 and including vegetation on adjoining land,
NOTE: generic recommendations are not acceptable.
- Specify acceptable and unacceptable activities within the tree protection zones of each tree to be retained.
- Specifications for tree protection fencing, Tree Protection Zone signage, trunk, branch and ground protection for each tree to be retained.
- Specifications in accordance with Australian Standard 4373-2007 Pruning of amenity trees for any tree crown pruning of site, adjoining or public trees.
- Details of site monitoring and reporting requirements, including hold points (including pavement, sewer and/or stormwater works within the Tree Protection Zone).
- Details for compliance reporting (e.g. inspection observations, date stamped photographs) etc., and
- Specifications for excavation and root pruning within the tree protection zones of each tree to be retained.

The Tree Protection Plan is to be included in and form part of the Construction Management Plan.

3.10 **Security Deposits/Guarantees**

- 3.10.1 Prior to any demolition works or the issue of a Construction Certificate

(whichever occurs first), a security deposit for the protection of trees on Council property in accordance with the schedule below must be provided to Council:

Security Deposit/Guarantee	Amount (\$)
Tree 1 – <i>Eucalyptus crebra</i> 18m x 12m	\$1,058.19
Tree 2 – <i>Eucalyptus moluccana</i> 24m x 18m	\$12,698.32
TOTAL BONDS	\$13,756.51

- 3.10.2 Prior to any demolition works or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must be provided with written evidence that a security deposit has been paid to Council as a financial guarantee for the protection of Council street and/or park trees.
- 3.10.3 The bond amount will be returned 6 months following the issue of the final occupation certificate and following the submission of a final report by the applicant's project Arborist. The final assessment report is to be presented to Council to provide advice on the retained tree's health and structure and to decide on any Bond return to the applicant.

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 any 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 approved plans as outlined in Condition 2.1.1.
- 4.1.4 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 any Construction Certificate plans.
- 4.1.5 Shade sails within the outdoor play area should not create safety hazards. Support systems such as upright posts should be clearly visible with rounded edges or padding. Vertical barriers at the sides of shade structures should be designed to prevent children using them for climbing. Shade structures should have a head clearance of 2.1 metres. The floor

area underneath the structure should be of a sufficient size and shape to allow children to gather or play actively.

4.1.6 Prior to the release of any Construction Certificate, the approved landscaping plans must be amended as follows:

- (a) The proposed shrub planting within the screen planting area along the rear (eastern) boundary must be centrally located between the acoustic fence and the rear boundary fence.
- (b) The proposed 25L *Brachychiton rupestris* (Queensland Bottle Tree) must be replaced with a 100L size.

4.2 Acoustic Report

4.2.1 The Construction Certificate plans shall demonstrate compliance with the Environmental Noise Impact Assessment (Report No. 7945-1.1R Rev D) prepared by Day Design Pty Ltd and dated 14 July 2025.

4.2.2 Prior to the issue of any construction certificate, a review of the detailed architectural and mechanical design must be conducted by a suitably qualified acoustic consultant (being an employee of a member firm of the Association of Australasian Acoustical Consultants (AAAC)). The acoustic certification report must demonstrate that the site planning, building and mechanical design incorporates the recommendations of the Environmental Noise Impact Assessment prepared for development application, and must confirm that noise levels will not exceed the following noise criteria as determined in the approved acoustic report, at the closest affected receiver locations:

- i. Outdoor play (limited to no more than 2 hours in the morning and 2 hours in the afternoon): $L_{Aeq(15minute)} \leq 53$ dB;
- ii. Cumulative (mechanical plant, indoor play, onsite vehicle activity) to all receivers: $L_{Aeq(15minute)} \leq 48$ dB;
- iii. Sleep disturbance $L_{Amax} \leq 61$ dB.

4.3 Fencing

4.3.1 The plans submitted with any Construction Certificate must include fencing detail in accordance with the recommendations of the Environmental Noise Impact Assessment (Report No. 7945-1.1R Rev D) prepared by Day Design Pty Ltd, dated 14 July 2025 are to be implemented. All fencing is to be provided at full cost to the developer.

4.3.1A The Type 4 acoustic fence shown on drawing A023 proposed along the eastern boundary must include three maintenance access gates within the 800mm high gap for landscape maintenance.

4.3.2 Any proposed fence / side boundary fence / landscape element on either side of a driveway must not exceed 900mm in height for a length of 2.5

metres from the property boundary to ensure the safety of pedestrians. Acoustic fencing that uses perspex material above a height of 900mm is permitted. Details shall be demonstrated on any construction certificate plans and shall be endorsed by the certifier.

- 4.3.3 All fencing is to be erected on top of any retaining walls at full cost to the developer. All retaining walls are to be of masonry construction.

4.4 Access/Parking

- 4.4.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1:2004.

- 4.4.2 A minimum of 40 car parking spaces are required to be provided on site, being 18 staff car parking spaces and 22 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 2890.1:2004.

All car parking spaces shall be line-marked and signage to be provided for all staff parking spaces.

- 4.4.3 All internal driveways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

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

- 4.4.5 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6:2022 and AS1428.1:2021.

- 4.4.6 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with Australian Standard 2890.1:2004 and AS 2890.2:2018 for heavy vehicles, other than the minimum height clearance which must be at least 2.2m in all areas to be accessed by the waste collection vehicle.

- 4.4.7 All parking spaces are to be provided with vehicle stops. Details shall be demonstrated on the construction certificate plans and shall be endorsed by the certifier.

- 4.4.8 Provision for adequate sight distance needs to be made for both pedestrian and vehicular movement at the proposed driveway in accordance with Section 3.2.4 AS 2890.1:2004 and Figure 3.2 of AS 2890.1:2004 to ensure safety of pedestrians on the footpath system and motor vehicles along the new driveway.

4.5 Plant and Equipment

4.5.1 The plans are to demonstrate that all building plant, equipment and services including air conditioning systems, basement vents and substations, etc. are appropriately located and treated so as not to be visually prominent and not impact on adjoining properties with regard to visual, acoustic and odour impacts.

4.5.2 All plant and equipment must be placed in a position that is inaccessible to children and do not impact on any residential property adjoining the childcare centre.

4.6 Other matters

4.6.1 External service fixtures and conduits are to be part of the overall appearance of the building or are to be screened from view.

4.6.2 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 any Construction Certificate.

4.6.3 To ensure safety of children, staff and visitors to the site bollard lighting along pathways is to be provided. Details of all lighting are to be submitted to the certifier for approval prior to the release of any Construction Certificate.

4.6.4 The anchoring of all required retaining walls is to be wholly within the subject land only. Details of the anchoring are to be submitted to Council to provide evidence of this.

4.6.5 Solar light reflectivity from building materials for the northern acoustic structure must not exceed 20%. Details shall be demonstrated on any construction certificate plans and shall be endorsed by the certifier.

4.6A Geotechnical

4.6A.1 Prior to the issue of any Construction Certificate, the Applicant must engage a suitably qualified and experienced geotechnical engineer to prepare a geotechnical assessment report, which must be submitted to the Council. The recommendations of the geotechnical assessment report are to be incorporated into the Construction Certificate plans.

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 Building Code of Australia Compliance

5.1.1 All building work shall be carried out in accordance with the provisions of

the Building Code of Australia.

5.1.2 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 **Salinity**

5.2.1 The structural design of the footing system shall incorporate the requirements of restrictions of the 88(B) instrument.

Alternatively, if a site specific salinity/classification test report that is prepared by a suitably qualified person is completed; The recommendations contained within this report can supersede the requirements of the above-mentioned 88(B) restriction.

5.3 **Dilapidation report**

5.3.1 Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings as well as 149 Bridge St and 157 Bridge St Schofields, structures or works and public land, to the satisfaction of the Certifier.

5.3.2 Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Certifier, that all reasonable steps were taken to obtain access to the adjoining properties.

5.3.3 No less than 7 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property, and a copy of the report must be provided to council (where council is not the principal certifier) at the same time.

5.4 Site Works and Drainage

- 5.4.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), not included on this Development consent must be endorsed by a separate Development consent or Complying Development Certificate prior to any Construction Certificate being issued.
- 5.4.2 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.
- 5.4.3 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:
- (a) Preserved and protected from damage, and
 - (b) Underpinned and supported.

Such details shall accompany any Construction Certificate.

5.5 Waste

- 5.5.1 An amended waste management plan which addresses the construction phase of the development is required to be approved by the Certifier prior to the grant of any 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 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. & Title	Issue	Dated
Telford Civil	25117	Drawing No.101, Stormwater Concept Plan Basement Level Sheet 1 of 2	C	27.06.2025
Telford Civil	25117	Drawing No.102, Stormwater Concept Plan Basement Level Sheet 2 of 2	A	15.05.2025
Telford Civil	25117	Drawing No.103, Stormwater Concept Plan Ground Level	D	09.07.2025
Telford Civil	25117	Drawing No.104, Stormwater Concept Plan Level 1	C	27.06.2025
Telford Civil	25117	Drawing No.105, Stormwater Concept Plan Roof	B	16.05.2025
Telford Civil	25117	Drawing No.106, On- Site Detention Details and Calculations Sheet 1 of 2	B	16.05.2025
Telford Civil	25117	Drawing No.107, On- Site Detention Details and Calculations Sheet 2 of 2	B	16.05.2025
Telford Civil	25117	Drawing No.108, Rainwater Tank Details	A	15.05.2025
Telford Civil	25117	Drawing No.109, Catchment Plan and MUSIC Results	A	15.05.2025
Telford Civil	25117	Drawing No.110, Pre-Development, RWT Catchment	A	15.05.2025

		Plans, and SEI Calculations		
Telford Civil	25117	Drawing No.111, Sediment & Erosion Control Plan & Details Sheet 1 of 2	B	07.05.2025
Telford Civil	25117	Drawing No.112, Sediment & Erosion Control Plan & Details Sheet 2 of 2	A	15.05.2025
Telford Civil	25117	Drawing No.113, Miscellaneous Details Sheet	A	15.05.2025

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

- a) Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
 - i. 4 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 5 star taps (for all taps other than bath outlets and garden taps);
 - iv. 3 star urinals; and
 - v. 3 star water efficient washing machines and dishwashers are to be specified.
- b) An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the site including all toilet/urinal flushing and landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:
 - i. a first flush or pre-treatment system (typically 0.2 litres / m² of roof area going to the tank for a first flush),
 - ii. a pump with isolation valves;
 - iii. a solenoid controlled mains water bypass;

- iv. flow meters on the solenoid controlled mains water bypass line and the pump outflow line, to determine non-potable usage and actual percentage reuse;
 - v. an inline filter;
 - vi. a control panel with warning light to indicate pump failure;
 - vii. a timer and control box for landscape watering and
 - viii. an irrigation watering plan allowing for a minimum of 154.8 kL/yr and accounting for seasonal variations. Alternatively show a series of taps to allow localised hand watering connected to the rainwater tank;
 - ix. providing a minimum tank size of 70 kL before overflow;
 - x. ensuring all the rainwater reuse pipes and taps are coloured purple.
 - xi. All reuse taps accessible by children are to be lockable or have removable handles;
 - xii. fitting rainwater warning signs to all external taps using rainwater.
- c) Amended Stormwater plans are to be provided to meet the requirements under Council's Part J of DCP 2015 and Council's Engineering Guide for Development 2005. The amended plans must address the following:
- i. Increase the rainwater tank size from 43kL to 70kL. Redesign the rainwater tank to be a minimum of 70 m3.

6.2 Roads Act Requirements

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

- Any works within Council's road reserve
- Vehicular crossings
- Path Paving

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

6.3 Other Engineering Requirements

6.3.1 If the estimated cost is \$250,000 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 a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

6.4 Roads

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

6.4.2 Indicate the replacement the redundant layback and footway crossing with Council's standard kerb and gutter. The footway area shall be restored with turf in accordance with Council's specifications.

6.5 Signage and Line Marking

6.5.1 A formal submission must be made to the Local Traffic Committee (LTC) through Council's Traffic Engineering department for all signage and line marking details proposed as part of these works.

6.5.2 The application to Council and Council's Local Traffic Committee must seek approval of the installation "No Stopping" signs between the existing street trees fronting the subject site and the northern extent of the driveway to the basement parking for the child care centre. If approved, these signs shall be installed at no cost to the Council prior to the issue of an Occupation Certificate for the site.

6.5.3 A determination will be required prior to the implementation of all signage and line marking works.

6.6 Erosion and Sediment Control

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

6.7 Vehicular Crossings

6.7.1 Plans to demonstrate the construction a commercial and industrial vehicular crossing to Council's standard A(BS)103S.

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

7.1 Food Premises

7.1.1 Plans and specifications submitted for issue of a Construction Certificate shall demonstrate compliance with the requirements of;

- *Food Act 2003* and Regulations there under
- Australian Standard 4674-2004 Design, construction and fit-out of food premises.
- Australian Standard 1668.2-2002 The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control.

7.2 Contamination

7.2.1 All areas contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;

- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (2020)
- NSW Environment Protection Authority's *Sampling Design Guidelines – Part 1 (Application) Part 2 (Interpretation)* (2020).
- NSW Environmental Protection Authority's Contaminated Sites: Guidelines for NSW Site Auditor Scheme 3rd edition (2017)
- National Environment Protection Council (NEPC) 1999 *National Environment Protection (Assessment of Site Contamination Measure)* as amended 2013
- NSW Environment Protection Authority's *Waste Classification Guidelines, Part 1: Classifying Waste* (2014)

7.3 Demolition, Excavation, Construction Noise and Vibration Management

7.3.1 Prior to the commencement of any demolition, excavation and construction works on site, a site-specific Demolition, Excavation, Construction Noise and Vibration Management Plan must be prepared in accordance with the requirements of the NSW EPA *Interim Construction Noise Guideline* (2009), and submitted to Council.

The plan must be prepared by a suitably qualified acoustic consultant (being an employee of a member firm of the Association of Australasian Acoustical Consultants (AAAC)).

The plan must include but not be limited to the following:

- Identification of any noise sensitive receivers adjacent to the site (including ground floor and upper-floor receiver locations);
- The predicted noise and vibration levels at the nearest noise sensitive receivers;
- A statement outlining whether or not predicted noise levels will comply with the noise objectives stated in the NSW EPA *Interim Construction Noise Guideline* (2009). Where noise levels are predicted to exceed the noise objectives, then details of the following must be included in the plan:
 - Duration and frequency of respite periods that will be afforded to the occupiers of neighbouring properties; and
 - Details of any other noise mitigation measures that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum;
- Details of the community liaison procedure to be implemented including contact details for relevant site foreman/manager;
- Details of the noise and vibration programme that is to be undertaken during works; and
- The type of action that will be undertaken following receipt of a noise or vibration complaint.

8 PRIOR TO DEVELOPMENT WORKS

8.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

- (a) the name, address and telephone number of the principal certifier 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:

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

8.1.3 Should the development work:

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

- (b) involve the enclosure of a public place,

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

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

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

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

8.1.5 All soil erosion and sedimentation control measures indicated in the documentation accompanying any Construction Certificate shall be installed prior to the commencement of development works.

8.1.6 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.

8.1.7 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.

8.1.8 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying any Construction Certificate, and
- (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

8.1.9 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.

8.2 Notification to Council

8.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 57 and 58 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, indicating details of the appointed principal certifier and the date construction work is proposed to commence.

8.2.2 At least five (5) full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$10,000,000.

8.3 Sydney Water Authorisation

8.3.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the principal certifier to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

OR

The approved plans are to be submitted to a Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped

and all amended plans will require restamping. For further information please refer to the "Developing Your Land" section of the website: www.sydneywater.com.au, or telephone 1300 082 746 for assistance.

8.4 Tree Protection - General

- 8.4.1 All trees not indicated for removal on the approved plans must be retained and protected throughout the demolition, construction, and landscaping stages of development.
- 8.4.2 All trees to be retained must be clearly marked and protection devices in place to prevent soil compaction and machinery damage to trees.
- 8.4.3 Tree protection measures must comply with AS4970 Protection of trees on development sites and the recommendations of the Tree Protection Plan approved with the Construction Certificate.
- 8.4.4 The Project Arborist shall provide written certification to the certifying authority that the tree protection measures are installed and are fit-for-purpose.

9 DURING CONSTRUCTION (BUILDING)

9.1 Safety/Health/Amenity

- 9.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 9.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 70 of the *Environmental Planning and Assessment Regulations 2021* indicating:
 - (a) the name, address and telephone number of the principal certifier for the work, and
 - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- 9.1.3 Should the development work:
 - (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public place,

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

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

- 9.1.4 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.
- 9.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 9.1.6 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 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 9.1.7 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.
- 9.1.8 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 any Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 9.1.9 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.
- 9.2 **Building Code of Australia Compliance**
- 9.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

9.3 Surveys

- 9.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifier to verify the approved position of each structure in relation to the property boundaries.
- 9.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifier prior to work proceeding above floor level.

9.4 Nuisance Control

- 9.4.1 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*.
- 9.4.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 9.3.3 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifier prior to work proceeding above floor level.

9.5 Waste Control

- 9.5.1 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.

9.6 Construction Inspections

- 9.6.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):
- (a) After excavation for, and prior to placement of, any footings; and
 - (b) Prior to pouring any in-situ reinforced concrete building element; and
 - (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
 - (d) Prior to covering waterproofing in any wet areas (but for a minimum

of 10% of rooms with wet areas in any class 2,3 or 4 building); and

- (e) Prior to covering any stormwater drainage connections; and
- (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection “(f)” must be carried out by the Principal Certifier.

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

9.7 **Vehicular Crossings**

- 9.7.1 The vehicular crossing of the footway shall be at least 1m clear of any stormwater gully pit/lintel, power pole, street tree and clear of any other utility surface infrastructure.

9.8 **Stormwater Drainage**

- 9.8.1 A plumber licensed with NSW Fair Trading is to undertake flow testing of the non-potable. water reuse system to certify that all the toilets are capable of being supplied by rainwater and that there is no cross mixing, or cross contamination with the potable water supply.

9.9 **Tree Protection - Detailed**

- 9.9.1 To limit the potential for damage to the trees to be retained, tree protection measures are to be installed in accordance with Australian Standard 4970-2009 Protection of trees on development sites prior to the commencement of site works, and in accordance with the requirements of the approved Tree Protection Plan and include, but not be limited to, the following:
 - (a) No construction or excavation, including trenching for drainage shall occur within the structural root zone of any retained and protected tree on-site, on public road reserve or adjoining properties.
 - (b) The building contractor shall ensure that at all times during site works, no activities, storage or disposal of materials shall take place within the tree protection zone of trees to be retained.
 - (c) Landscape works in the vicinity of the trees must be sympathetic to tree retention and existing ground levels within the tree protection

zone must remain unchanged.

- (d) Tree roots of greater than 50mm diameters are not to be removed, unless approved by an AQF5 qualified arborist or Project Arborist on site.
- (e) All structures are to bridge roots, unless directed by the Project Arborist on site. Where tree roots between 20mm and 50mm diameter are uncovered, they shall remain in place and only removed if approved for cutting by the Project Arborist. The roots shall be cleanly pruned.
- (f) Unless specifically approved, pruning of any more than 10% annually of any site tree to be retained is subject to separate approval from Council. Pruning works, including the removal of deadwood is to be undertaken in accordance with Australian Standard 4373-2007 Pruning of amenity trees, and the work is to be undertaken by an experienced and qualified arborist with a minimum AQF3 in arboriculture.
- (g) To minimise the disturbance to the trees to be retained for the duration of site works, the tree protection measures as specified in the approved Tree Protection Plan are to be maintained in good order.

10 DURING CONSTRUCTION (ENGINEERING)

10.1 Notification of Works

- 10.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum 5 business days prior to commencement of engineering works.
- 10.1.2 A notification of works flyer (letter drop) is to be provided to all residential housing, businesses and organisations adjacent to any engineering works approved by this consent. This is for works undertaken on Council controlled lands such as roads, drainage reserves and parks. The notification of works flyer must contain details of the proposed works, locality map of works, contact details and the anticipated time period. A signed copy of the notice is to be provided to Council's Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.

10.2 Insurances

- 10.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This shall be

submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000 Indemnity and Workers Compensation.

10.3 **Service Authority Approvals**

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

10.4 **Boundary Levels**

- 10.4.1 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.

10.5 **Soil Erosion and Sediment Control Measures**

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

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

- 10.6.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under Part 6 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 Certifier for the development, compliance certificates issued by accredited certifiers in lieu of council inspections will only be accepted by prior agreement or by Council request. All compliance certificate(s) must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction Certificate.

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

- 10.7.1 All inspection(s) required by this consent for any engineering works that are approved under the *Roads Act 1993* or *Local Government Act 1993* must be made by Council's Development Overseers.

Inspections must be pre-booked with a minimum 24 hours' notice. 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).

10.8 Public Safety

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

10.9 Site Security

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

10.10 Traffic Control

- 10.10.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Safework NSW Work Zone Traffic Management Plan accreditation and photo card for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2009.
- 10.10.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Safework NSW accreditation and photo card to implement Traffic Control Plans.
- 10.10.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Safework NSW Traffic Controller accreditation and photo card and carry it with them.

- 10.10.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Safework 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.
- 10.10.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a person who holds a current Safework 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 RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

10.11 **Not used**

10.12 **Road Line Marking and Traffic Signage**

- 10.12.1 Prior to the implementation of any road line marking and traffic signage required by this development the applicant shall obtain an approved construction certificate for the line marking and traffic signage plan arrangement.

In this regard, the applicant shall provide evidence to the certifying authority in order to demonstrate that the proposed line marking and traffic signage plan has approval from the local traffic committee and has been adopted by Ordinary Council Meeting.

Note: all recommendations by the local traffic committee and Ordinary Council Meeting shall be reflected within the construction certificate for line marking and traffic signage.

11 **DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)**

11.1 **Acoustic Report**

- 11.1.1 The recommendations provided in the Environmental Noise Impact Assessment (Report No. 7945-1.1R Rev D) prepared by Day Design Pty Ltd, dated 14 July 2025, are to be implemented.

11.2 **Food Premises**

- 11.2.1 The food preparation areas shall be constructed so as to comply with the requirements of;

- (a) The Food Act 2003 and Regulations there under.
- (b) Australian Standard 4674-2004 Design, construction and fit-out of food premises.
- (c) Australian Standard 1668.2-2012: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings

11.3 **General**

- 11.3.1 All waste generated on the site during the construction must be classified in accordance with the NSW EPA's Environmental Guidelines: Assessment, Classification and management of Liquid and Non-Liquid Waste and disposed of at a facility that may lawfully accept the waste.
- 11.3.2 On completion of the installation of the ventilation system, a Compliance Certificate is to be submitted to Council certifying that the system has been installed and commissioned in accordance with the approved details.
- 11.3.3 A designated hand washbasin is to be provided within the activity area. The hand washbasin shall be provided with a supply of hot and cold water through an approved mixing device with a single spout.

12 **PRIOR TO OCCUPATION CERTIFICATE**

12.1 **Road Damage**

- 12.1.1 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.

12.2 **Compliance with Conditions**

- 12.2.1 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.
- 12.2.2 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the Principal Certifier in accordance with the provisions of Section 6.9 of the *Environmental Planning and Assessment Act 1979*.

12.3 Service Authorities

- 12.3.1 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.
- 12.3.2 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.
- 12.3.3 The following documentary evidence shall be obtained and forwarded to the Principal Certifier prior to the release of any Occupation Certificate:
- (a) A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifier prior to the Occupation Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifier prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.
 - (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.

12.4 Temporary Facilities Removal

- 12.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 12.4.2 Any temporary toilet facilities provided during construction works shall be

appropriately dismantled, disconnected and removed from the land.

- 12.4.3 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.
- 12.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 12.4.5 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.

12.5 **Fee Payment**

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

12.6 **Acoustic Measures**

- 12.6.1 Prior to issue of Occupation Certificate the applicant shall submit to the Principal Certifier an acoustic compliance report to verify that the mitigation measures stated in the approved Environmental Noise Impact Assessment (Report No. 7945-1.1R Rev D) prepared by Day Design Pty Ltd and dated 14 July 2025 and all other noise mitigation measures associated with the mechanical plant (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment have been carried out and certify that the construction meets the above requirements. If Council is not the Principal Certifier, a copy shall be submitted to Council concurrently.

The report must:

- (a) Include tests results demonstrating that the operation of the mechanical plant and equipment does not give rise to a sound pressure level at any affected receiver location that exceeds the $L_{A90(15\text{minute})}$ background noise level, measured in the absence of the noise sources under consideration, by more than 5 dB;
- (b) Demonstrate compliance with the Protection of the Environment Operations Act; and
- (c) The report shall be prepared by a suitably qualified and experienced acoustic engineer (being an employee of a member firm of the

Association of Australasian Acoustical Consultants (AAAC)).

12.7 Fire Safety Certificate

- 12.7.1 A final fire safety certificate complying with Clause 41 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) 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).

12.8 Finishes/ Landscaping / fencing and retaining walls

- 12.8.1 The development approved by Council is to be constructed in accordance with the approved schedule of materials, finishes and colours. All landscaping, fencing, decorative fencing, retaining walls and driveways are to be provided in accordance with the approved plans.
- 12.8.2 The approved landscape works are to be consistent with the approved design, completed to a professional standard, and consistent with industry best practice and published standards. The project landscape architect/designer shall provide written certification to the Principal Certifier that all tree planting and landscape works have been carried out in accordance with the Council endorsed landscape plan with a letter of findings with photographic evidence (dated). If Council is the Principal Certifier, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council is not the Principal Certifier, a copy of the certification is to be provided to Council with the lodgement of the application for Occupation Certificate.
- 12.8.3 All fencing and retaining walls shall be completed in accordance with the approved plans. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks.
- 12.8.4 All boundary and internal fencing shall be constructed in accordance with the approved plans and recommendations of the Environmental Noise Impact Assessment (Report No. 7945-1.1R Rev D) prepared by Day Design Pty Ltd, dated 14 July 2025. All fencing must be certified that it meets the requirements for a child care centre.
- 12.8.5 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.

12.9 Car Parking

- 12.9.1 40 car parking spaces including 18 staff parking spaces and 22 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 2890.1:2004. All spaces are to be marked appropriately to indicate their intended usage.

- 12.9.2 All visitor spaces are to be marked appropriately to indicate their intended usage.
- 12.9.3 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 on the site and not on the street.
- 12.9.4 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 12.9.5 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.6-2022.
- 12.9.6 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

12.10 **Lighting**

- 12.10.1 All lighting is to comply with relevant Australian Standards, including Australian Standard 4282 to ensure no spillage of light affecting the amenity of adjoining residential properties.
- 12.10.2 All bollard lighting is to be installed prior to the release of the occupation certificate.

12.11 **Graffiti Management Plan**

- 12.11.1 Prior to the issue of the Occupation Certificate a "Graffiti Management Plan" is to be submitted to the Principal Certifier for approval, (in the event the Council is not the Principal Certifier 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.

12.12 Engineering Matters

12.12.1 Surveys/Certificates/Works As Executed plans

- 12.12.1.1 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.
- 12.12.1.2 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).
- 12.12.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 12.12.1.4 This development requires separate approvals under the *Roads Act 1993* and / or *Local Government Act 1993*. Prior to the issue of an Occupation Certificate, the applicant must obtain written confirmation from Council that these works have been completed to its satisfaction.

12.12.2 Inspections

- 12.12.2.1 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.

12.12.3 Other Matters

- 12.12.3.1 A post-construction dilapidation report shall be carried out for any of the potentially affected existing buildings surrounding the proposed development. A copy of the report shall be submitted to Council prior to issue of Occupation Certificate.
- 12.12.3.2 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i. 4 star dual-flush toilets;

- ii. 3 star showerheads;
- iii. 5 star taps (for all taps other than bath outlets and garden taps);
- iv. 3 star urinals; and
- v. 3 star Water efficient washing machines and dishwashers have been used.

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

- i. All the non-potable water uses are being supplied by rainwater;
- ii. All the requirements of the detailed Non-Potable Water Supply & Irrigation Plan have been installed to the required location;
- iii. 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;
- iv. The initial flow meter readings are detailed in the certificate;
- v. The pumps, alarms and all other systems are working correctly;
- vi. The water from at least one garden tap and two toilets have been tested to show no chlorine residual;
- vii. All external reuse taps accessible by children are lockable or have removable handles;
- viii. Rainwater warning signs are fitted to all external taps using rainwater;
- ix. 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

12.12.3.4 A Chartered Civil Engineer registered with NER, is to certify that:

- i. all the requirements of the approved drainage plan have been undertaken;
- ii. a minimum 70 m³ rainwater tank has been provided collecting roof water from a minimum 516 m² of roof area;
- iii. the interpretative water quality sign has been correctly installed;
- iv. all signage and warning notices have been installed;
- v. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

12.12.4 **Water Sensitive Urban Design Management**

12.12.4.1 Prior to the issue of the Occupation certificate, the applicant shall submit to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au documentation that identifies the correct locations, types, models, and model numbers of assets that form the WSUD system installed on the property. The documentation is to include the final version of the

Stormwater management report and certified and signed stormwater
Works-as-executed plans

12.12.4.2 Prior to the issue of the Occupation certificate, the Applicant shall provide a Maintenance schedule for the WSUD system installed on the property. The Maintenance schedule is to be prepared in accordance with the Maintenance schedule template and WSUD inspection and maintenance guidelines available on Council's website. The Applicant shall submit the Maintenance schedule to Council for approval.

12.12.4.3 Prior to the issue of the Occupation certificate, the applicant shall provide a Positive covenant and Restriction on the use of land over the WSUD system installed on the property. The Positive covenant and Restriction on the use of land is to be accordance with Appendix F of Council's Engineering Guide for Development. The Positive covenant and Restriction on the use of land is to be endorsed by Council and lodged with New South Wales Land Registry Services. The applicant shall submit documentary evidence of the lodgement and execution of the Positive covenant and Restriction on the use of land to Council prior to the issue of the final Occupation certificate. The WSUD element is the Rainwater tank.

12.12.5 Easements/Restrictions/Positive Covenants

12.12.5.1 Any covenant(s) easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release, vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:

(a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).

(b) The standard format for covenants, easements and restrictions as accepted by the Land Registry Services (LRS).

12.12.6 Bonds/Securities/Payments in Lieu of Works

12.12.6.1 Where Council's has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request.

12.13 Other matters

12.13.1 A Licence, to operate a Child Care Centre for a maximum of 130 children is required from the NSW Department of Education – Early Childhood Education Directorate prior to the Child Care Centre becoming operational. Any increase to the number of children will require further development consent and additional car parking to be provided.

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

- (a) Ensure children are supervised at all times to minimise noise generated by children.
- (b) Install a contact phone number at the front of the centre so that any complaints regarding centre operation can be made.
- (c) Initiate a complaints handling procedure.
- (d) The carpark must be used by staff (stacked spaces if applicable), visitors and parents at all times to minimise disruption to adjoining property owners/occupants.
- (e) Compliance with the recommendations of the Environmental Noise Impact Assessment.
- (f) Include of a graffiti management plan.
- (g) Ensure maintenance of the fence and landscaping facing the streets.
- (h) Ensure management of deliveries to the site, which should occur outside of peak drop off and pick up times.
- (i) Ensure noise management including:
 - Implementing the recommendations of the Environmental Noise Impact Assessment ((Report No. 7945-1.1R Rev D) prepared by Day Design Pty Ltd, dated 14 July 2025.
 - Demonstrating how the chosen noise criteria for the Child Care Centre will be adhered to.
 - Ensuring that children are supervised at all times to minimise noise generated by children.
 - Installing a contact phone number at the front of the centre so that any complaints regarding Centre operation can be made.
 - Initiating a complaints handling procedure.

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

12.13.3 Hinged and lockable grates shall be used within all play areas.

12.13.4 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.

12.13.5 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.

- 12.13.6 All boundary and internal fencing shall be constructed in accordance with the approved plans and recommendations of the Environmental Noise Impact Assessment. 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.

12.14 Environmental Management

- 12.14.1 Trading must not commence until an Occupation Certificate for the development has been issued.
- 12.14.2 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that the ventilation system has been installed and is operating in accordance with Australian Standard 1668.2:2002 The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control.
- 12.14.3 A health inspection is to be conducted by Council's Environmental Health Officer to ensure that the fit out complies with the requirements of the Food Act 2003 and Australian Standard 4674-2004 Design, construction and fit-out of food premises.
- 12.14.4 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.
- 12.14.5 A Noise Management Plan is to be implemented for the Child Care Centre and is to be monitored and enforced by the Director of the Child Care Centre. The Management Plan is to include provisions that:
- Demonstrates how the chosen noise criteria for the Child Care Centre will be adhered to:
- Ensure children are supervised at all times to minimise noise generated by children.
 - Procedure to minimise carpark noise.
 - Install a contact phone number at the front of the centre so that any complaints regarding Centre operation can be made.
 - Initiate a complaint handling procedure.

12.15 Follow-up Arborist Report

- 12.15.1 As part of the ongoing assessment of the trees to be retained, the Project Arborist engaged by the applicant is to assess their health and any impact suffered by them as a result of the approved development. Findings are to be compiled in a detailed final arboricultural report to be provided to Council's Tree & Vegetation Assessment Officer/certifying authority at the

completion of construction and prior to the release of the Occupation Certificate. At a minimum, the report is to document the following:

- All site visits and attended hold points as set out in the approved Tree Protection Plan and the conditions of consent.
- The methods of excavation or construction used to carry out works and any damage sustained by the trees because of the works.
- Any subsequent remedial works required to be carried out by the arborist because of the damage.
- Any future or ongoing remedial work required to be carried out to ensure the long-term viability of the trees.
- All trees have been appropriately maintained; that there has been no net deterioration in health and condition, and that any remedial work accords with the guidance of AS 4970-2009 Protection of trees on development sites and AS 4373 - 2007 Pruning of amenity trees.

All tree works shall comply with *Safe Work Australia Guide to Managing Risks of Tree Trimming and Removal Work, 2016*

13 OPERATIONAL (PLANNING)

13.1 Access/Parking

- 13.1.1 Early morning access to the site (prior to 7:00 am) is limited to no more than two vehicles.
- 13.1.2 All required off-street car parking spaces and internal driveway shall be maintained to a standard suitable for the intended purpose. The visitor spaces, staff spaces and disabled space are to be marked appropriately to indicate their intended usage.
- 13.1.3 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.
- 13.1.4 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1:2021 and 2890.6:2022.

13.2 General

- 13.2.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 13.2.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.

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

13.2.4 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.

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

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

Approved hours of operation: Monday to Friday: 7:00am to 6:00pm

13.2.6 The Centre must implement the Operational Management Plan including the noise management at all times.

13.2.7 A Licence, to operate a Child Care Centre for a maximum of 130 children is required from the Department of Education – Early Childhood Education Directorate prior to the Child Care Centre becoming operational and must be maintained at all times. Any changes to the number of children will require further development consent and additional car parking to be provided.

13.2.8 Cleaning and maintenance activities may only be carried out between the following hours:

Indoor cleaning and maintenance -
Monday to Friday 7:00am - 8:00pm
Saturday 7:00am - 1:00pm

Outdoor Cleaning and Maintenance -
Monday to Friday 7:00am - 6:00pm
Saturday 7:00am to 1:00pm

13.2.9 The following noise limits and restrictions apply to the operation of the site:

- i. Outdoor Play Area (max 4 hours per day, being 2 hours in the morning and 2 hours in the afternoon)
 - The contributed $L_{Aeq(15minute)}$ noise level emitted from the outdoor play area shall not exceed $L_{Aeq(15minute)}$ 53 dB at the assessment location;
- ii. Other Noise Emission
 - The cumulative $L_{Aeq(15minute)}$ noise level emitted from children playing indoors, mechanical plant, onsite traffic, pick-up/prop-off activity,

and other activities/operations (not including outdoor play) shall not exceed:

- $L_{Aeq(15minute)} \leq 48$ dB at the assessment location;
- The assessment location is defined as the most affected point on or within any residential receiver property boundary. Examples of this location may be:
 - 1.5 m above ground level;
 - On a balcony at 1.5 m above floor level;
 - Outside a window on the ground or higher floors.
- iii. The outdoor play areas must be used in accordance with the operating modes/scenarios, as detailed within Table 14 of the Environmental Noise Impact Assessment (Report No. 7945-1.1R Rev D) prepared by Day Design, dated 14 July 2025.
- iv. At all times, the operation of the child care centre must be in accordance with the Noise Management Plan/Plan of Management, as detailed within the approved acoustic report, including the outdoor play scenarios and noise control recommendations.
- v. The use of the premises and the operation of all plant and equipment shall not give rise to 'offensive noise', as defined in the *Protection of the Environment Operations Act 1997*.
- vi. Special Events
 - The $L_{Aeq(15minute)}$ noise level emitted from the cumulative noise impact associated with the Special Events must not exceed the background noise level by more than 10 dB at the assessment location
 - Amplified music is permissible during the event, however amplified music should be restricted to indoors only, must be broadcast at a reasonable level, and all windows and doors must be closed during the event.
- vii. Elevated Play Equipment
 - No elevated play equipment higher than 800mm above FFL is permitted on the ground floor, and 500mm above FFL on the first floor, without the written consent of Council.
- viii. Gardening and Maintenance
 - All outdoor gardening, mowing and general maintenance activities should be limited to daytime hours only (i.e. 7:00am to 6:00pm Monday to Saturday, 8:00am to 6:00pm on Sundays and Public Holidays).

13.2.10 **Boundary Fencing**

At all times the boundary fencing and acoustic barriers must be maintained in good conditions as installed. Where replacement is required, replacement must be undertaken on a like for like basis.

13.2.11 **Compliance with National Construction Code**

At all times, all fencing barriers on the first floor and the western facing wall above the basement driveway on the ground floor, must:

- i. be not less than 1.8 m high, as measured from above the trafficable surface; and
 - ii. be non-climbable and not contain horizontal or other elements that could facilitate climbing; and
 - iii. not have any openings or apertures through which a 100 mm or greater sphere could pass; and
 - iv. not place within 1.8 m, as measured directly from the top of the barrier, of any elements within the outdoor play space that facilitate climbing; and
 - v. not locate within 900 mm of elements in a wall that facilitate climbing; and
- b. has strength and rigidity complying with AS 1926.1; consistent with NCC, Volume 1, G1D4 Outdoor play spaces.

13.3 **Waste Matters and Deliveries**

13.3.1 Arrangements shall be made for an effective commercial refuse removal service.

13.3.2 The development shall be serviced by private waste and recycling contractors. Any waste collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall take place between the hours of 10am and 2pm, during the operation of the centre, but outside the peak pick-up and drop-off periods for parents.

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 to take the bins out and to place them in the basement waste storage area, cleaning of bins and the waste room, management of bulky waste generated on site, management of illegal dumping on site.

13.4 **Landscape Maintenance Preservation**

13.4.1 .Approved landscaping shall be maintained for the life of the development and in accordance with the approved landscape maintenance strategy. Where vegetation, including trees approved as part of this consent, dies, it

must be replaced with new landscaping that achieves a similar height and form to that approved under development consent.

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

13.5 Use of Premises

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

- 13.5.2 The development shall not be used or converted for use for any purpose other than that:

(a) Granted consent by Council's Notice of Determination, or

(b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

13.6 Graffiti Removal

- 13.6.1 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.

13.7 Security

- 13.7.1 Any security cameras are required to be positioned and directed to cover the play areas and not adjacent properties.

13.8 Other Matters

- 13.8.1 This consent does not authorise the use of the land for Child Care purposes unless the operator and all employees are in possession of current licences from the NSW Department of Education – Early Childhood Education Directorate.

- 13.8.2 Approval is given only for the care of a maximum of 130 places (20 children aged 0- 2 years, 20 children aged 2 – 3 years and 90 children aged 3 – 6 years).

- 13.8.3 Separate Council approval is required for any changes to the age group of children or any increase to the number of children. Any proposal for an increase in children numbers may require additional car parking to be provided on site.

- 13.8.4 The use of the premises is to comply at all times with the requirements of

the NSW Department of Education – Early Childhood Education Directorate, and the National Quality Framework and Standards.

- 13.8.5 All staff members are to park on the premises at all times utilising the designated staff car parking spaces. At no times are staff to park on the street or in the designated on-site visitor car parking spaces. Parents dropping off/picking up children are to be directed to park on the premises rather than on the street, through the Plan of Management.
- 13.8.5 Ongoing management of waste in accordance with the Operational Waste Management Plan, prepared by MRA Consulting Group dated 16 May 2025.
- 13.9 **Signage**
- 13.9.1 Signage is to be erected advising of the availability of off-street parking.
- 13.9.2 Signage is to be erected signifying a maximum speed limit of 10km/hr at the entrance of the car park, signifying that pedestrians have right of way over vehicles.

14 OPERATIONAL (ENVIRONMENTAL HEALTH)

- 14.1 Upon receipt of more than three 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 if any non-compliances are identified 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.
- 14.2 Within three months of childcare centre operation or when the capacity of centre reaches its maximum, the centre operator shall submit a childcare operational noise compliance report prepared by an acoustic consultant who is an employee of a member firm of the Association of Australasian Acoustical Consultants (AAAC). A copy of the acoustic compliance report must be submitted to council. This report should include but not be limited to, details verifying that the noise control measures as recommended in the approved Noise Impact Assessment as referenced in this consent are effective in attenuating noise to an acceptable noise level and that the use is not calculated to give rise to 'offensive noise' as defined under the provision of the Protection of the Environment Operation Act 1997 (as amended). If there are any exceedances of the noise limits, mitigation measures must be proposed by the applicant, and approved by Council

prior to implementation.

Should the report identify deficiencies or non-compliances, the operator will be required to carry out remedial works to bring the operation into compliance with the consent.

- 14.3 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
- 14.4 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
- 14.6 All waste and recycling bins must be stored wholly within the approved waste storage area.
- 14.7 The food premises shall be maintained in accordance with the requirements of;
- Food Act 2003 and Regulations there under.
 - Australian Standard 4674-2004: Design, construction and fit-out of food premises.
- 14.8 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.
- 14.9 The premises are to be registered with Council as a food business.

ATTACHMENT “1” – Letter from Transport for NSW dated 24 March 2025

Transport for NSW



The General Manager
Blacktown City Council
Luma.araim@blacktown.nsw.gov.au

24 March 2025

**STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021
DEVELOPMENT APPLICATION – DA-24-00513
151 Bridge Street, Schofields NSW 2762**

Dear Sir/Madam,

I refer to Council's referral requesting comments for the above Development Application (DA) in accordance with Section 2.98 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (**Transport and Infrastructure SEPP**).

Council is advised that TfNSW, via Instruments of Delegation, has been delegated to act as the rail authority for the heavy rail corridor operated by Sydney Trains (including infrastructure), and to process the review for this Development Application.

We advise that the proposed development has been assessed in accordance with the relevant TfNSW Asset Management Branch standards and Sydney Trains' requirements. To ensure that the proposed development is undertaken in a safe manner it is requested Council impose the conditions provided in Attachment A.

Council is also advised that the requested conditions of consent as provided in Attachment A are not to be amended, replaced, or superseded by any subsequent submission provided by any other rail authority, without the further agreement from TfNSW (as Rail Authority).

If, at any point, the DA is amended prior to the consent authority's determination, please ensure that the amended DA and any new or amended supporting documents are provided to TfNSW for further assessment. Any amendments to the DA may alter the impacts of the proposed development on the heavy rail corridor assessed by TfNSW, so TfNSW may need to amend any requested conditions, or recommend that the amended DA should not be approved.

In the event that this proposed development is the subject of a Land and Environment Court appeal, Council is requested to notify TfNSW (as Rail Authority) should such an event occur.

Please contact TfNSW Town Planning Management via email to DA_sydneytrains@transport.nsw.gov.au should you wish to discuss this matter. Finally, it is requested that when the proposed development's Determination is issued by the Council, a copy of the Notice of Determination and conditions of consent are provided.

Sincerely,

Ethan Chau
Assistant Town Planner
Transport for NSW

Transport for NSW



ATTACHMENT A

- The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Certifier and Council prior to the issuing of a Construction Certificate. The Certifier must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- Prior to the issue of a Construction Certificate the Applicant is to provide structural details that the concrete slab or footings will be protected by a vapour barrier membrane. A copy of this detail is to be provided to the Certifier with the application for a Construction Certificate.
- The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
- The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is **West** Interface, and they can be contacted via email on **West_Interface@transport.nsw.gov.au**.
- Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAM (Transport Asset Manager of NSW) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.