

Section 4.15 Assessment Report
Environmental Planning and Assessment Act 1979

| | |
|---|--|
| SWCPP No. | PPSSWC-540 |
| DA Number | DA0040/25 |
| Local Government Area | Hawkesbury City Council |
| Proposed Development | Demolition of existing outbuilding, remediation works, restoration to the existing heritage building, construction of centre-based childcare facility including outbuilding storage shed, 44 space carpark, retaining walls, landscaping and signage. |
| Street Address | No.1040 Grose Vale Road KURRAJONG 2758 Lot 1 DP745040 |
| Applicant | Colin Crambrook |
| Owner | Colin Crambrook and Marian Crambrook |
| Number of Submissions | Two (2) unique submissions received |
| Regionally Significant Development Criteria (Schedule 6 Regionally Significant Development of Planning Systems SEPP) | Private infrastructure and community facilities over \$5 million |
| Cost of Works | Estimated Development Cost - \$6,360,000.00 |
| List of All Relevant S4.15(1)(a) Matters | <p>Relevant environmental planning instruments: Section 4.15(1)(a)(i)</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021; • State Environmental Planning Policy (Transport and Infrastructure) 2021; • State Environmental Planning Policy (Biodiversity and Conservation) 2021; • State Environmental Planning Policy (Resilience and Hazards) 2021; and • Hawkesbury Local Environmental Plan 2012. <p>Proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s4.15(1)(a)(ii)</p> <p>Not applicable</p> <p>Relevant development control plan: Section 4.15(1)(a)(iii)</p> <p>Hawkesbury Development Control Plan (DCP) 2002 and 2023.</p> <p>Relevant planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4: Section 4.15(1)(a)(iii)</p> <p>Not applicable.</p> <p>Relevant regulations: Section 4.15(1)(a)(iv)</p> <p>Environmental Planning and Assessment Regulation 2021.</p> |

| | |
|---|---|
| Does the DA require Housing and Productivity Contributions conditions (s7.24)? | <p>7.24 Provision of regional infrastructure</p> <p>(1) The object of this subdivision is to facilitate the provision of regional infrastructure that supports and promotes housing and economic activity in a region by enabling a contribution (a <i>housing and productivity contribution</i>) to be required.</p> <p>The subject site is located within the Greater Sydney Region and the development is subject to Housing and Productivity Contributions.</p> |
| Recommendation | <p>Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979:</p> <p>A. That the Sydney Western City Planning, exercising the function of the consent authority, grant Development Consent to DA0040/25 for the demolition of existing outbuilding, remediation works, restoration to the existing heritage building, construction of centre-based childcare facility including outbuilding storage shed, 44 space carpark, retaining walls, landscaping and signage at Lot 1 DP745040, No.1040 Grose Vale Road KURRAJONG for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed development is permissible within the zone and satisfies the objectives and requirements of all relevant environmental planning instruments, including the Hawkesbury Local Environmental Plan 2012; 2. The built form is modest, well-articulated, and sensitively integrated within the rural context, with minimal environmental impact and no unreasonable adverse effect on surrounding residential amenity; 3. The development will provide important community infrastructure to meet the needs of the local population; 4. The proposed development caters to the various constraints of the subject site including bushfire, contamination, and heritage. <p>For the reasons outlined above, approval of the application is considered to be in the public interest.</p> <p>B. That those who made a submission be advised of the decision made by the Panel.</p> |
| Report By | Eric Kim – Senior Town Planner |
| Report Date | 26 September 2025 |

SITE DESCRIPTION AND CONDITIONS

The legal property description is Lot 1 DP 745040. The site is an irregular allotment and contains a steep topography to the south.

The subject site has the following area and dimensions:

Area – 2.423 square metres
Frontage to Grose Vale Road – 76.52
Frontage to Greggs Road – 81.26

The site and surrounding properties to the east and south are zoned RU1 Primary Production under the Hawkesbury Local Environmental Plan 2012. Surrounding properties to the west and north are zoned RU4 Primary Production Small Lots

Existing Development

The subject site currently accommodates a single-storey weatherboard dwelling with a metal roof. The existing dwelling is identified to be a local heritage item. The site currently contains an outbuilding and various mature vegetation to the north of the site. Along the south east boundary, a dirt track is present which is proposed to be a right of way and easement for services. An easement for water supply is present in the middle of the site that is proposed to be removed.

History

Historical imagery appears to show that the site has been used for orcharding between circa 1940 to circa 2010. In the surrounding area, grazing has been the dominant land use; however, more recently the area appears to be changing from semi-rural to suburban land use. The dominant land uses in the surrounding area are residential, horticulture and animal husbandry. A dam has been filled in late 2019 without approval. A detailed site investigation has been conducted ensuring that the fill conducted for the dam filling and the site in general is not contaminated and suitable for the proposed use.

Prior approvals for the site include:

- Construction of a rural shed (DA0147/02)
- Awning extension to shed (DA0288/03)

Surrounding Character

It is located within an established rural residential area characterised by single storey residential dwellings.

The site was inspected on 7 March 2025.



Figure 1: Land Zoning Map (Source: NSW Planning Portal)

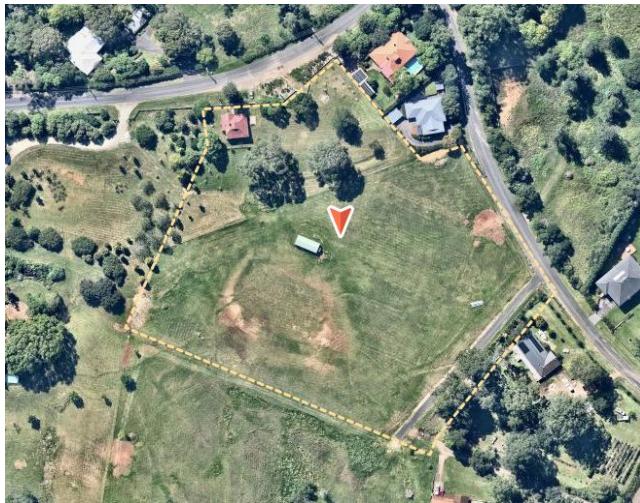


Figure 2: Aerial image of the subject site and surrounding context (Source: Nearmaps)



Figure 3: Subject site viewed from the Grose Vale Road (Source: Site Inspection Photos)



Figure 4: Subject site viewed from the Greggs Road (Source: Site Inspection Photos)



Figure 5: Subject site viewed from the 1026 Grose Vale Road (Source: Site Inspection Photos)

HISTORY OF APPLICATION

A Pre DA meeting was held on 22 December 2022 for the construction of a child care facility on the subject site with Council Officers..

The submitted documentation for the Pre DA meeting included a survey and concept architectural plans which indicated a gross floor area of 1542.79sqm and a total of 5 rooms within the first floor of the development. The childcare centre would also contain a maximum of 80 children and provides a 44-vehicle space car park at the rear of the development with access from Greggs Road.



Figure 6: 3D montage of concept plans (Source: Smith Architects)

The Pre DA meeting advice focused on the information that would be required to be submitted with a future application to obtain a favourable outcome from the consent authority.

The subject development application was submitted to Council via Planning Portal on 11 February 2025 and was officially lodged on 26 February 2025.

An additional information request was provided to the applicant on 7 May 2025 requesting the following:

- Clarification on the architectural plans how the unencumbered indoor space, minimum internal and external storage, change areas, nappy change facilities, shade sails, solar access requirements of the Child Care Planning Guidelines has been satisfied,
- Amendments to the car park layout to increase safety for pedestrians and landscaping,
- Revised traffic impact assessment including provision of vehicular turning circles,
- Clarification within the Plan of Management on the usage of buses, emergency procedures, and frequency of deliveries,
- Amendments to architectural plans to indicate acoustic measures, and
- Relocation of the easement/pipeline.

Amended information was provided by the applicant on 28 May 2025 which included an amended Statement of Environmental Effects, Plan of Management, traffic engineering response, swept paths, surveyor response regarding the easement and amended architectural plans.

Further request for additional information was requested on 6 June 2025 regarding the removal of the before and after school care component and amendments to the car park plan to allow for safe movement of pedestrians. Amended plan of management was provided on 11 June 2025 which involved the reduction in children numbers from 125 children to 80 children.

An update briefing was on 25 August 2025 with Council, applicant, and the Sydney Western City Planning Panel in attendance. Key issues that were discussed included traffic, landscape screening of the car park and tentative determination date.

SECTION 4.15 EVALUATION

THE PROPOSAL

The development application seeks approval for the following:

- Demolition of Existing Outbuilding;
- Construction of a new Childcare Centre including associated – 44 car parking spaces;
 - The total gross floor area of the development is 1,542.79sqm
 - Ground floor of the development will contain;
 - Staff room including kitchen, water closet, lockers and courtyard.
 - Non-contact space
 - Meeting room
 - Centre manager's office
 - Reception, foyer and parent meeting area.
 - Stairs to access 1st floor.
 - Lift.
 - Document storage room.
 - Service corridor.
 - 2 water closets and shared basin space.
 - Accessible water closet and shower.
 - Plant room.
 - Kitchen including servery, loading and pantry area.
 - Laundry
 - Storage room.
 - Conference & training room.
 - First floor of the development will contain;
 - Room 1 (81 sqm with 15 children) with quiet space change area and water closet (shared with room 2), kitchenette (shared with room 2), storage

- Room 2 (81 sqm with 15 children) with quiet space, change area and water closet (shared with room 1), kitchenette (shared with room 1), storage
- Room 3 (81 sqm with 15 children) with quiet space, change area and water closet, kitchenette, storage, lockers
- Room 4 (80.7sqm with 15 children) with quiet space, change area and water closet, kitchenette, storage
- Room 5 (136.6sqm in size with 20 children) with change area and water closet, kitchenette, storage
- Construction of outdoor play area to the north and west of the development which will include the construction of shade sails, decks surrounding the upper floor playrooms, and planting of various trees.
- Landscaping works including a maximum cut of approximately 3.42m and a maximum fill of approximately 2.38m;
- A 1.8m high timber fencing is proposed along the Greggs Road frontage with 1.5m high fencing along the other boundaries of the site.
- Signage is proposed in the form of two (2) x black lettering signs affixed to the front entry gate to Greggs Road being 0.4m in height and 2m in length.
- Ancillary Outbuilding for Storage and Maintenance Equipment measuring 15 metres x 9 metres with a height of 6.7 metres;
- Removal of easement relating to water supply;
- Proposing right of way and easement for services;

The child care facility was originally proposed to allow for 125 children, however amendments have been made with a maximum capacity of 80 places with the following age groups:

- 0-2 years: 15 places;
- 2-3 years: 15 places;
- 3-4 years: 30 places; and
- 5-6 years: 20 places.

The proposal would be operated with a minimum of twenty three (23) staff (including 1 Centre Manager, 1 Admin Staff, 1 Chef, 2 kitchen/educator assist, 15 primary contact educators, 3 Before & After School Care Staff) at any one time. Hours of operation: 6:00 am to 6:00 pm

ENVIRONMENTAL PLANNING INSTRUMENTS

1. Environmental Planning and Assessment Act 1979

Division 4.8 Nominated Integrated Development

Pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979, the proposed development is identified as ed as 'Nominated Integrated Development' as approval had been sought pursuant to Section 91 - Activity Approvals of the Water Management Act 2000.General Terms of Approval had been provided by DPE Water.

The development is also identified as 'integrated Development' as the proposed development is identified as a Special Fire Protection Purpose under Section 100B of the Rural Fires Act 1997. General Terms of Approval has been provided by RFS.

2. Environmental Planning and Assessment Regulation 2021

(a) State Environmental Planning Policy (Resilience & Hazards) 2021

The provisions of SEPP (Resilience & Hazards) 2021 have been considered in the assessment of the proposed development:

Chapter 4 – Remediation of Land

Historical imaging indicates that the site had been previously utilised for orchard growing and horticultural use between circa 1940 to 2010. A preliminary investigation was conducted in 2022 with a Detailed Site Investigation prepared by Compaction & Soil Testing Services Pty Ltd and dated 16 August 2024 being submitted to Council as part of this application.

The report concludes the following:

“As part of the previous preliminary investigation, CSTS excavated eleven (11) test pits in accessible areas of the site for the assessment of the proposed contaminants of concern. Upon completion of laboratory analysis, the laboratory analysis detected Arsenic, Chromium, Copper, Lead, Nickel and Zinc above the limit of detection but still well under the proposed investigation levels whilst no concentrations of Cadmium, Mercury, PAH, BTEX, TRH fractions, Organochlorine pesticides, Organophosphorus Pesticides, PCB or Asbestos were detected above the laboratory limits of reporting within any of the recovered samples....

CSTS excavated thirty-four (34) test-pits in accessible areas of the site for the assessment of the proposed contaminants of concern. The material within the test-pits primarily consisted of red sandy-clayey loam which was underlain by the red to orange clay. The depth of termination of the test-pits ranged between 0.3m and 1m depending on target depth being reached. Foreign material including glass, ceramic and suspected fibre asbestos sheeting were found at a depth of 0.05m to 0.2m in the north-most corner of the site. Upon completion of laboratory analysis, concentrations of Arsenic, Chromium, Copper, Lead, Mercury, Nickel, Zinc, B(a)P TEQ, Total PAH, TRH(F3), TRH(F4) were detected within the recovered samples. Chrysotile and crocidolite asbestos was detected in the sample of asbestos fibre sheeting. No concentrations of any contaminants exceeded the adopted criteria with the exception of the asbestos fibre sheeting.”

The submitted Detailed Site Investigation provided recommendations below:

*“Based on the conducted assessment, CSTS had concluded that the site known as 1040 Grose Vale Road, Kurrajong NSW 2758 is generally considered suitable for the proposed development. However, due to the presence of asbestos containing material (ACM) within topsoil in the northernmost corner of the site, this area is considered to potentially pose an unacceptable human health risk for the proposed development. **CSTS considers that this area, which has been dubbed Area of Concern 1 (AEC 1), can be made suitable following the preparation of a RAP and a validation demonstrating the remedial works effectiveness. A RAP as developed based on the findings of this assessment can be found in Part B of this document. CSTS recommends that, during the process of development, should any indicators of potential contamination be encountered, this office is to be contacted immediately for further assessment.** Should there be any change in the proposed development, all conclusions and recommendations are to be reviewed. Specifically, if the proposed development will involve an alternate final land use, the findings of this report will require revision and further assessment may be necessary.”*

having regard to the conclusions made in the submitted report, the consent authority can be satisfied that sufficient measures are in place within the Detailed Site Investigation and Remediation Action Plan for the subject site to be suitable utilised for the purposes of a childcare facility. Council's Environmental Health Officer has viewed the submitted documentation and raises no objection. As such, the proposed

development satisfies requirements prescribed in Chapter 4 Remediation of land in SEPP (Resilience and Hazards) 2021

(b) State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 Standards for non-residential development does not apply to development on land wholly in the RU1 zone. Thus, this chapter does not apply to the subject application.

(c) State Environmental Planning Policy (Biodiversity & Conservation) 2021

Chapter 6 Water Catchments

Part 6.2 Development in regulated catchments

The proposed development will not have an adverse impact on the water quality or aquatic ecology of the locality. Appropriate stormwater system is proposed with the application. No clearing of significant vegetation is proposed on site. An Onsite Detention Tank is located below the proposed carpark which will contain the stormwater collected from the roof and runoff. The Onsite Detention Tank to a level spreader located at the rear of the car park to disperse the stormwater at a suitable rate.

(d) State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and Signage

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—

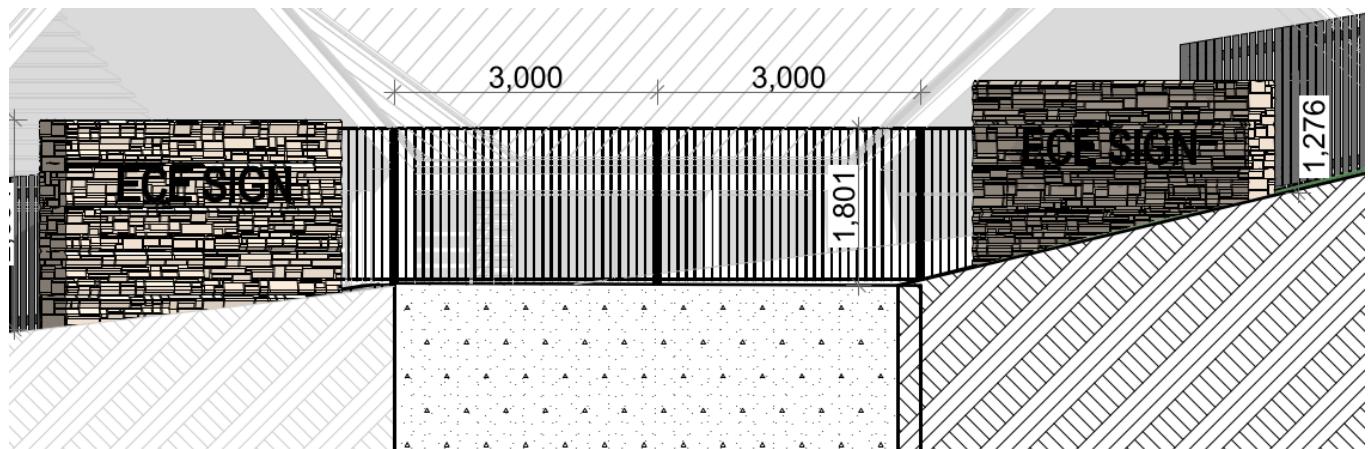
- (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and*

This Chapter aims—

- (a) to ensure that signage (including advertising)—*
 - (i) is compatible with the desired amenity and visual character of an area, and*
 - (ii) provides effective communication in suitable locations, and*
 - (iii) is of high quality design and finish, and*

- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

The proposed signage is located on either side of the brick portion of the fence along the eastern boundary, adjoining the vehicular entry gate. The proposed signage involves black lettering and will not utilise any logos or background. The lettering will 0.4m in height and 2m in length.



SIGNAGE ELEVATION

Figure 7: Signage Elevation (Source: Smith Architects)

The signage is viewed to be compatible with the desired amenity and visual character of the area. The use of brick style fencing and black lettering is of a recessive nature and does not dominate the rural character of the surrounding area. The proposed signage provides effective communication for patrons that enter from Greggs Road. The signage is of a high-quality design and finish and is not viewed to be excessive and is appropriate to the visual aspects of the locality.

| Schedule 5 Assessment Criteria | |
|---|---|
| Criteria | Comment |
| 1 Character of the area <ul style="list-style-type: none"> <i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i> <i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i> | <p>The proposed signage is compatible with the existing and desired future character of the area. The black lettering proposed is viewed to be a suitable colour scheme that does not dominate the streetscape visually.</p> <p>Due to the uses surrounding the subject site, there is no particular theme for outdoor advertising in the locality. The proposed signage contains suitable materials and design that respects the visual characteristics of the area.</p> |
| 2 Special areas <ul style="list-style-type: none"> <i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i> | <p>The proposed signage complements the rural and natural landscape of the locality through utilising a sandstone background and black lettering that is in keeping with the surrounding landscape.</p> |
| 3 Views and vistas <ul style="list-style-type: none"> <i>Does the proposal obscure or compromise important views?</i> | <p>The height of the proposed signage and sandstone fence is a maximum 2.391m. Thus, important views are not expected to be obscured or compromised.</p> |

| | |
|--|---|
| <ul style="list-style-type: none"> • Does the proposal dominate the skyline and reduce the quality of vistas? • Does the proposal respect the viewing rights of other advertisers? | <p>The proposed signage does not dominate the skyline or reduce the quality of vistas.</p> <p>The proposed signage respects the viewing rights of other advertisers.</p> |
| <p>4 <u>Streetscape, setting or landscape</u></p> <ul style="list-style-type: none"> • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? • Does the proposal reduce clutter by rationalising and simplifying existing advertising? • Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? • Does the proposal require ongoing vegetation management? | <p>The proposed signage contains an appropriate scale, proportion and form. The proposed signage does not contain an excessive height or length, ensuring it is not visually dominating.</p> <p>The use of sandstone background contributes to the visual interest of the natural landscape of the locality.</p> <p>The proposed signage is simple in nature and does not contribute to any clutter.</p> <p>The proposal does not screen any unsightliness.</p> <p>The proposal does not protrude above buildings, structures or tree canopies in the area or locality.</p> <p>The proposal does not require ongoing vegetation management.</p> |
| <p>5 <u>Site and building</u></p> <ul style="list-style-type: none"> • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both? | <p>The proposal is compatible with the scale, proportion and other characteristics of the site and building. The proposed sandstone fence and black lettering is not excessive in size and utilises an appropriate colour scheme and materials to complement the site.</p> <p>The proposed signage respects the important features of the site and building through utilising natural materials that respect the natural environment of the locality.</p> <p>The proposal shows innovation in its relationship to the site through utilising sandstone material that complements the natural landscape.</p> |
| <p>6 <u>Associated devices and logos with advertisements and advertising structures</u></p> <ul style="list-style-type: none"> • Have any safety devices, platforms, lighting devices or logos been designed as an integral | <p>No safety devices, platforms, lighting devices or logos are proposed with the signage.</p> |

| | |
|---|--|
| <i>part of the signage or structure on which it is to be displayed</i> | |
| 7 Illumination <ul style="list-style-type: none"> • <i>Would illumination result in unacceptable glare?</i> • <i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i> • <i>Would illumination detract from the amenity of any residence or other form of accommodation?</i> • <i>Can the intensity of the illumination be adjusted, if necessary?</i> • <i>Is the illumination subject to a curfew?</i> | No illumination is proposed with the signage. No illumination is proposed with the signage. |
| 8 Safety <ul style="list-style-type: none"> • <i>Would the proposal reduce the safety for any public road?</i> • <i>Would the proposal reduce the safety for pedestrians or bicyclists?</i> • <i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i> | The proposal does not reduce the safety for any public road. The proposal does not reduce the safety for pedestrians or bicyclists. The proposal does not reduce the safety for pedestrians by obscuring sightlines from public areas. |

(e) State Environmental Planning Policy (Transport and Infrastructure) 2021

The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

| Clause | Comment |
|---|--|
| Clause 2.48 – Electricity Infrastructure | The subject site is in the close vicinity of electricity infrastructure. The application has been referred to Endeavour Energy for comments. In response Endeavour Energy raised no objection to the proposal. |
| Clause 2.98 – Development Adjacent to rail corridors | The subject site is not adjacent to a rail corridor. |
| Clause 2.119 – Frontage to a classified road | The subject site has no frontage to a classified road. |
| Clause 2.120 – Impact of road noise or vibration on non-road development | N/A |

Chapter 3

A centre-based childcare facility is proposed and therefore Chapter 3 of the *State Environmental Planning Policy Transport and Infrastructure SEPP 2021* is addressed in the table below.

| Transport and Infrastructure SEPP 2021 – Chapter 3 Educational Establishment and Child Care Facilities | | | | | | | | | | | | | |
|---|--|-------------|------------------------|-----------------|---|-----------------|---|-----------------|--|-----------------|--|-----------------|---|
| Part 3.3 – Early education and care facilities – specific development controls | | | | | | | | | | | | | |
| 3.22 Centre-based child care facility – concurrence of Regulatory Authority required for certain development | <p>Yes</p> <table border="1"> <thead> <tr> <th>Room</th><th>Space per child</th></tr> </thead> <tbody> <tr> <td>1 (15 children)</td><td>5.06sqm unencumbered indoor space per child</td></tr> <tr> <td>2 (15 children)</td><td>5.28sqm unencumbered indoor space per child</td></tr> <tr> <td>3 (15 children)</td><td>4.7sqm unencumbered indoor space per child</td></tr> <tr> <td>4 (15 children)</td><td>4.804sqm unencumbered indoor space per child</td></tr> <tr> <td>5 (20 children)</td><td>6.33sqm unencumbered indoor space per child</td></tr> </tbody> </table> <p>The proposed development satisfies the minimum 3.25m² of unencumbered indoor space per child in accordance with Clause 107 of the Education and Care Services National Regulations. Unencumbered outdoor space of 3915.43sqm is proposed, allowing for unencumbered outdoor space of 48.94sqm per child. The proposed development satisfies the minimum 7m² of unencumbered outdoor space per child in accordance with Clause 108 of the Education and Care Services National Regulations.</p> | Room | Space per child | 1 (15 children) | 5.06sqm unencumbered indoor space per child | 2 (15 children) | 5.28sqm unencumbered indoor space per child | 3 (15 children) | 4.7sqm unencumbered indoor space per child | 4 (15 children) | 4.804sqm unencumbered indoor space per child | 5 (20 children) | 6.33sqm unencumbered indoor space per child |
| Room | Space per child | | | | | | | | | | | | |
| 1 (15 children) | 5.06sqm unencumbered indoor space per child | | | | | | | | | | | | |
| 2 (15 children) | 5.28sqm unencumbered indoor space per child | | | | | | | | | | | | |
| 3 (15 children) | 4.7sqm unencumbered indoor space per child | | | | | | | | | | | | |
| 4 (15 children) | 4.804sqm unencumbered indoor space per child | | | | | | | | | | | | |
| 5 (20 children) | 6.33sqm unencumbered indoor space per child | | | | | | | | | | | | |
| 3.23 Centre-based childcare facility—matters for consideration by consent authorities <i>Before determining a development application for development for the purpose of a centre-based childcare facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.</i> | The applicable provisions of the Child Care Planning Guideline have been considered later in this report. | | | | | | | | | | | | |
| 3.25 Centre-based child care facility – floor space ratio | The site is not zoned R2 Low Density Residential, this clause does not apply. | | | | | | | | | | | | |
| 3.26 Centre-based child care facility – non discretionary development standards (a) location —the development may be located at any distance from an existing or proposed | Noted, the proposed development is not within close proximity to another existing or proposed | | | | | | | | | | | | |

| <p>early education and care facility,</p> <p>(b) indoor or outdoor space</p> <p>(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the <u>Education and Care Services National Regulations</u> applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the <u>Children (Education and Care Services) Supplementary Provisions Regulation 2012</u> applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>(d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</p> | <p>child care facility.</p> <p>Space proposed for the child care centre is noted as follows:</p> <table border="1" data-bbox="779 332 1472 871"> <thead> <tr> <th>Room</th><th>Space per child</th></tr> </thead> <tbody> <tr> <td>1 (15 children)</td><td>5.06sqm unencumbered indoor space per child</td></tr> <tr> <td>2 (15 children)</td><td>5.28sqm unencumbered indoor space per child</td></tr> <tr> <td>3 (15 children)</td><td>4.7sqm unencumbered indoor space per child</td></tr> <tr> <td>4 (15 children)</td><td>4.804sqm unencumbered indoor space per child</td></tr> <tr> <td>5 (20 children)</td><td>6.33sqm unencumbered indoor space per child</td></tr> </tbody> </table> <p>The proposed development satisfies the minimum 3.25m² of unencumbered indoor space per child in accordance with Clause 107 of the Education and Care Services National Regulations.</p> <p>Unencumbered outdoor space of 3915.43sqm is proposed, allowing for unencumbered outdoor space of 48.94sqm per child.</p> <p>The proposed development satisfies the minimum 7m² of unencumbered outdoor space per child in accordance with Clause 108 of the Education and Care Services National Regulations.</p> <p>Noted, The site contains a total area of 1.818ha with a 76.52m frontage to Grose Vale Road and a 81.26m frontage to Greggs Road.</p> <p>The proposed childcare centre utilises concrete slab walls with timber cladding throughout the development to suit the rural landscape of the locality. The colour scheme of the walls are of either black or grey nature which allows the development to be viewed to be subservient through not utilising any bright or white colour schemes.</p> | Room | Space per child | 1 (15 children) | 5.06sqm unencumbered indoor space per child | 2 (15 children) | 5.28sqm unencumbered indoor space per child | 3 (15 children) | 4.7sqm unencumbered indoor space per child | 4 (15 children) | 4.804sqm unencumbered indoor space per child | 5 (20 children) | 6.33sqm unencumbered indoor space per child |
|--|---|------|-----------------|-----------------|---|-----------------|---|-----------------|--|-----------------|--|-----------------|---|
| Room | Space per child | | | | | | | | | | | | |
| 1 (15 children) | 5.06sqm unencumbered indoor space per child | | | | | | | | | | | | |
| 2 (15 children) | 5.28sqm unencumbered indoor space per child | | | | | | | | | | | | |
| 3 (15 children) | 4.7sqm unencumbered indoor space per child | | | | | | | | | | | | |
| 4 (15 children) | 4.804sqm unencumbered indoor space per child | | | | | | | | | | | | |
| 5 (20 children) | 6.33sqm unencumbered indoor space per child | | | | | | | | | | | | |
| <p>3.27 Centre-based child care facility – Development Control Plans</p> <p>(1) A provision of a development control plan</p> | <p>While Council's Development Control Plan does not contain provisions for Child Care Centres, the matters listed under this clause have been noted.</p> | | | | | | | | | | | | |

that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility—

(a) operational or management plans or arrangements (including hours of operation),

(b) demonstrated need or demand for child care services,

(c) proximity of facility to other early education and care facilities,

(d) any matter relating to development for the purpose of a centre-based child care facility contained in—

(i) the design principles set out in Part 2 of the *Child Care Planning Guideline*, or

(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

(2) This section applies regardless of when the development control plan was made.

Child Care Planning Guideline 2021

3.1 Site selection and location

| | |
|---|--|
| C1 Appropriate zone | <p>Centre based Child care is listed as a permissible use in RU1 zone under the HLEP 2012.</p> <p>The proposed development achieves the zone objectives as explored below.</p> |
| C2 Suitable site | The site is considered to be suitable for the proposed development, due to the matters raised throughout the report. |
| C3 Appropriate location | The proposed development is in close proximity to Kurrajong Village and is in walking distance to a bus stop that provides services to Richmond. |
| C4 Environmental health or safety hazards | <p>The site is not identified as being surrounded or in proximity to land uses that pose a health or safety issues to children, staff or visitors attending the proposed centre.</p> <p>Detailed Site investigation report was conducted by the applicant which included a Remedial Action Plan.</p> |

3.2 Local character, streetscape and the public domain interface

| | |
|---|---|
| C5 Local character and streetscape | <p>The proposed development is viewed to contain an appropriate design that caters to the local character and streetscape. An appropriate height and setbacks are provided to ensure the structure would not excessively impact the locality in a detrimental manner.</p> |
| C6 Distinction between public and private realm | |
| C7 Legibility of buildings/entries | |
| C8 Frontage to public parks, open space or bushland | |

| | |
|--|--|
| | <p>Suitable materials and colours are proposed that respect the heritage values of the existing dwelling. Sufficient landscaping is proposed on site to respect the natural features of the site.</p> |
| C9 Front fences to be designed in accordance with local heritage provisions. | <p>The proposed front fence is viewed to be appropriate and complements the heritage values of the site.</p> |
| C10 Acoustic fencing | <p>The proposed acoustic fencing surrounding the outdoor play area and car park includes hedging within the design to provide visual relief.</p> |
| 3.3 Building orientation, envelope, building design and accessibility | |
| C11 Amenity impacts on neighbours | <p>The outdoor play areas are setback appropriately from the adjoining residential developments to ensure visual privacy. Solar access of adjoining properties has been respected through sufficient setbacks and appropriate bulk.</p> <p>It is recognised that the site contains a steep slope, which the proposal accommodates for by providing a split level design.</p> |
| C12 Compatible with adjoining developments | <p>The proposed development is considered to be consistent with the adjoining developments in terms of its height, number of storeys, bulk and scale, and setbacks.</p> |
| C13 Classified road setbacks | |
| C14 Setbacks in a residential zone | <p>The proposed setbacks to the street and side boundaries is viewed to be suitable.</p> |
| C15 Safe environment | |
| C16 Accessible design | <p>Access report provided.</p> |
| 3.4 Landscaping | |
| C17 Streetscape and amenity | <p>The proposed planting to the perimeter of the site is adequate to provide for integration into the streetscape and landscape character and to provide for buffers to adjoining properties.</p> |
| C18 Incorporate car parking into the landscape design of the site | <p>Adequate landscape plantings have been provided within the car park as evidenced within the submitted landscape plan.</p> |
| 3.5 Visual and acoustic privacy | |
| C19 Open balconies in mixed use developments | <p>The proposed centre will not be located in a mixed-use development</p> |
| C20 Direct overlooking of indoor rooms and outdoor play spaces | <p>No direct overlooking is present as adequate separation to surrounding properties is provided.</p> |
| C21 Direct overlooking of adjoining properties | |
| C22 New development in residential area to provide acoustic measures | <p>Acoustic report provided.</p> <p>Council's Environmental Health Officer has reviewed the submitted acoustic report and has provided confirmation that the document is satisfactory. As part of the acoustic report, recommendations have been provided such as utilising certain materials that would minimise noise</p> |

| | |
|---|--|
| | impacts within the indoor play areas and the implementation of acoustic fencing. |
| C23 Acoustic report by a suitably qualified professional | Acoustic report provided |
| 3.6 Noise and air pollution | |
| C24 Design solutions to minimise noise | Acoustic report provided. |
| C25 Noise levels for sleeping areas and other non-play areas | |
| C26 Major roads and industrial development | |
| C27 Air quality assessment | The site is not located in proximity to a known external source of air pollution. |
| 3.7 Hours of operation | |
| C28 Residential area should be confined to 7.00am to 7.00pm weekdays. | <p>The proposed hours of operation are from Monday to Friday - 6:00am to 6:00pm. An acoustic report has been prepared with this application, outlining that the hours of operation starting from 6am would still be suitable for the locality, subject to measures such as restricting the use of the outdoor play area till after 7am.</p> <p>Noting the practicality of childcare and consideration of the existing context of the area, it is also noted that allowing for the operations of the child care centre to begin at 6am will provide for additional time for children to be dropped off at the centre in the morning, reducing potential traffic conflict or congestion.</p> <p>The hours of operation commencing at 6am is not expected to create significant adverse impacts on the amenity of the locality.</p> |
| C29 Mixed use or commercial areas | The site is located in RU1 Zone of which this clause would not be strictly applicable. |
| 3.8 Traffic, parking and pedestrian circulation | |
| C30 Off street parking to be provided in accordance with <i>DCP</i> | The proposed parking arrangement has been assessed in accordance with <i>Hawkesbury DCP</i> . Refer to the assessment under Chapter 5 – Traffic, Access, Street Design and Parking of this report. |
| C31 Commercial or industrial zones | Not applicable. |
| C32 Traffic and Parking Study | Traffic impact assessment provided that concludes the proposed development is suitable from a traffic and parking perspective. |
| C33 Alternate vehicular access | <p>The site contains frontage to both Grose Vale Road and Greggs Road.</p> <p>The childcare centre will obtain access from Greggs Road. To ensure safe access from Greggs Road when travelling southbound, documents indicating Channelised Right Turn on Greggs Road to the proposed driveway and a Road Safety Audit will be required to be submitted as part of a</p> |

| | deferred commencement condition to ensure safe vehicular movement along Greggs Road. | | | | | | | | | | | | |
|---|---|------|-----------------|-----------------|--|-----------------|--|-----------------|--|-----------------|---|-----------------|--|
| C34 Cul-de-sac or narrow lanes | The site is not located in a cul-de-sac. | | | | | | | | | | | | |
| C35 Safe pedestrian environment | Adequate space for passing of two prams has been provided within the carpark. Pedestrian crossings utilised and indicated on the submitted architectural plans. | | | | | | | | | | | | |
| | It is recommended to be conditioned that, despite adequate space for two prams passing being provided, markings are to be provided on the architectural plans for pedestrians and prams. | | | | | | | | | | | | |
| C36 Mixed use developments | Not applicable | | | | | | | | | | | | |
| C37 Car parking design and fencing to separate the play areas | Proposed play areas are located on upper levels away from car parking spaces. | | | | | | | | | | | | |
| 4.A Internal physical environment | | | | | | | | | | | | | |
| 4.1 Indoor Space requirements: | <p>As mentioned above under S3.22 of SEPP (T&I), the proposal achieves the minimum indoor space and internal storage space requirements as per part 4.1 of the guideline</p> <table border="1"> <thead> <tr> <th>Room</th><th>Space per child</th></tr> </thead> <tbody> <tr> <td>1 (15 children)</td><td>5.06sqm unencumbered indoor space per child</td></tr> <tr> <td>2 (15 children)</td><td>5.28sqm unencumbered indoor space per child</td></tr> <tr> <td>3 (15 children)</td><td>4.7sqm unencumbered indoor space per child</td></tr> <tr> <td>4 (15 children)</td><td>4.804sqm unencumbered indoor space per child</td></tr> <tr> <td>5 (20 children)</td><td>6.33sqm unencumbered indoor space per child</td></tr> </tbody> </table> | Room | Space per child | 1 (15 children) | 5.06sqm unencumbered indoor space per child | 2 (15 children) | 5.28sqm unencumbered indoor space per child | 3 (15 children) | 4.7sqm unencumbered indoor space per child | 4 (15 children) | 4.804sqm unencumbered indoor space per child | 5 (20 children) | 6.33sqm unencumbered indoor space per child |
| Room | Space per child | | | | | | | | | | | | |
| 1 (15 children) | 5.06sqm unencumbered indoor space per child | | | | | | | | | | | | |
| 2 (15 children) | 5.28sqm unencumbered indoor space per child | | | | | | | | | | | | |
| 3 (15 children) | 4.7sqm unencumbered indoor space per child | | | | | | | | | | | | |
| 4 (15 children) | 4.804sqm unencumbered indoor space per child | | | | | | | | | | | | |
| 5 (20 children) | 6.33sqm unencumbered indoor space per child | | | | | | | | | | | | |
| 4.2 Laundry and hygiene facilities | On-site laundry is provided on Ground floor of the centre. | | | | | | | | | | | | |
| 4.3 Toilet and hygiene facilities | The proposal is acceptable in terms of toilet and hygiene facilities. | | | | | | | | | | | | |
| 4.4 Ventilation and natural light | The proposal is considered to be acceptable in terms of cross ventilation and access to natural light. | | | | | | | | | | | | |
| 4.5 Administrative space | The proposal provides adequate areas for the purpose of conducting administrative functions. Design guidance equitable use by parents and children | | | | | | | | | | | | |
| 4.6 Nappy change facilities | Adequate supervision of activity areas is provided from nappy change facilities. | | | | | | | | | | | | |
| 4.7 Premises designed to facilitate supervision | The floor plans are considered to have been designed to facilitate adequate supervision of children across the centre. | | | | | | | | | | | | |

| | |
|---|---|
| 4.8 Emergency and evacuation procedures | An Emergency Evacuation Diagram is prepared in accordance with design guidance 4.8. |
| 4.B External physical environment | |
| 4.9 Outdoor space requirements: <ul style="list-style-type: none"> minimum of 7m² of unencumbered outdoor space plus, a minimum of 0.3m³ per child of outdoor storage space | Yes, compliant. Unencumbered outdoor space of 3915.43sqm is proposed, allowing for unencumbered outdoor space of 48.94sqm per child. |
| 4.10 Natural environment | The requirement of this part of the guideline can be satisfied should an approval is granted. |
| 4.11 Shade | The proposed development includes adequate shaded areas to protect children from ultraviolet radiation from the sun. |
| 4.12 Fencing or barrier that encloses outdoor spaces. | 1.8m high moduline fence is provided in accordance with the Childcare Planning Guideline to enclose the outdoor spaces. Screen planting has been proposed surrounding the moduline fence to cater to the natural landscape characters of the locality. |
| 4.13 Soil assessment | Soil assessment has been conducted, concluding that the site is suitable for the purposes of a childcare centre. |
| 4.D National quality framework assessment checklist | |
| 104. Fencing or barrier that encloses outdoor spaces | As assessed above under part 4A and 4B of the Guideline. The submitted plans indicate a 1.8m high fence enclosing the outdoor spaces that do not allow children preschool age or under to go through, over or under it |
| 106. Laundry and hygiene facilities | As assessed above under part 4A and 4B of the Guideline. Adequate laundry and hygiene facilities are provided within the childcare facility. |
| 107. Unencumbered indoor space | As assessed above under part 4A and 4B of the Guideline. Adequate unencumbered indoor space is provided as part of this application. |
| 108. Unencumbered outdoor space | As assessed above under part 4A and 4B of the Guideline. Adequate unencumbered outdoor space is provided as part of this application. |
| 109. Toilet and hygiene facilities | As assessed above under part 4A and 4B of the Guideline. Adequate toilet and hygiene facilities are provided as part of this application. Interior plans of these spaces have been provided with the architectural plans that ensure safe and convenient use by children. |
| 110. Ventilation and natural light | As assessed above under part 4A and 4B of the Guideline. Adequate ventilation and natural light are provided as part of this application. |
| 111. Administrative space | As assessed above under part 4A and 4B of the Guideline. Functional administrative space has been provided with this application. |

| | |
|--|---|
| 112. Nappy change facilities | As assessed above under part 4A and 4B of the Guideline. Adequate nappy change facilities are provided as part of this application. |
| 113. Outdoor space – natural environment | As assessed above under part 4A and 4B of the Guideline. Landscape plan has been provided that details how children will be able to explore and experience the natural environment. |
| 114. Outdoor space – shade | As assessed above under part 4A and 4B of the Guideline. Adequate shade provided for the outdoor space. |
| 115. Premises designed to facilitate supervision | As assessed above under part 4A and 4B of the Guideline. Areas such as toilets and nappy change facilities are designed to ensure both supervision and privacy of children. |

Consideration of the relevant provisions contained in the Education and Care Services National Regulations is outlined as follows:

| Education and Care Services National Regulations (2011 SI 653) | | | | | | | | | | | | | |
|---|---|------|-----------------------------------|------------------------------|---|-----------------------|---|----------------------|---|----------------------|---|----------------------|---|
| <p>123 Educator to child ratios—centre-based services</p> <p>(1) <i>The minimum number of educators required to educate and care for children at a centre-based service is to be calculated in accordance with the following ratios—</i></p> <p>(a) <i>for children from birth to 24 months of age—1 educator to 4 children;</i></p> <p>(b) <i>for children over 24 months and less than 36 months of age—1 educator to 5 children;</i></p> <p>(c) <i>for children aged 36 months of age or over (not including children over preschool age)—1 educator to 11 children;</i></p> <p>(d) <i>for children over preschool age, 1 educator to 15 children.</i></p> <p>(2) <i>If children being educated and cared for at a centre-based service are of mixed ages the minimum number of educators for the children must meet the requirements of sub regulation (1) at all times.</i></p> | <p>The childcare facility will operate with a maximum capacity of 80 places with the following age groups:</p> <ul style="list-style-type: none"> - 0-2 years: 15 places; - 2-3 years: 15 places; - 3-4 years: 30 places; and - 5-6 years: 20 places. <p>As per Clause 123 of Education and Care Services National Regulations (2011 SI 653) the following educators required to operate:</p> <ul style="list-style-type: none"> • For 0-2 years children 4 educators required • For 2-3 years children 3 educators required • For 3-6 years children 5 educators required <p>Total 12 educators required.</p> <p>As part of the application, 18 educators (including 2 educators assist and 2 education lead) are proposed.</p> <table border="1"> <thead> <tr> <th>Room</th><th>Minimum no. of educators per room</th></tr> </thead> <tbody> <tr> <td>6 weeks – 2 years: 15 places</td><td>4</td></tr> <tr> <td>2-3 years: 15 places;</td><td>3</td></tr> <tr> <td>3-4 years: 15 places</td><td>2</td></tr> <tr> <td>3-4 years: 15 places</td><td>2</td></tr> <tr> <td>5-6 years: 20 places</td><td>2</td></tr> </tbody> </table> <p>Additional educators are available if required.</p> | Room | Minimum no. of educators per room | 6 weeks – 2 years: 15 places | 4 | 2-3 years: 15 places; | 3 | 3-4 years: 15 places | 2 | 3-4 years: 15 places | 2 | 5-6 years: 20 places | 2 |
| Room | Minimum no. of educators per room | | | | | | | | | | | | |
| 6 weeks – 2 years: 15 places | 4 | | | | | | | | | | | | |
| 2-3 years: 15 places; | 3 | | | | | | | | | | | | |
| 3-4 years: 15 places | 2 | | | | | | | | | | | | |
| 3-4 years: 15 places | 2 | | | | | | | | | | | | |
| 5-6 years: 20 places | 2 | | | | | | | | | | | | |

(f) Hawkesbury Local Environmental Plan 2012

Permissibility

The site is zoned RU1 Primary Production under the Hawkesbury LEP 2012. The proposed development involves a child care centre which is suitability defined as follows:

“centre-based child care facility means—

(a) a building or place used for the education and care of children that provides any one or more of the following—

- (i) long day care,*
- (ii) occasional child care,*
- (iii) out-of-school-hours care (including vacation care),*
- (iv) preschool care, or*

(b) an approved family day care venue (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)),”

The proposal is suitably characterised as a centre-based child care facility which is a permissible use under the RU1 Primary Production zone.

Objectives of the Zone

The objectives of the RU1 zone include the following:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage agricultural activities that do not rely on highly fertile land.*
- *To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.*
- *To promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.*
- *To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.*
- *To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.*

The proposed development is consistent with the objectives of the zone as follows:

- The proposed development does not conflict with surrounding land uses. It is noted that the immediate locality of the site is of a rural residential nature, with a suitable design and bulk and scale being applied to ensure minimal visual and amenity impacts for surrounding developments.
- The surrounding area is characterised with established agricultural uses which are permissible within the locality. Council's Environmental Health Officer has identified that adequate buffers are provided from the proposed development to adjacent sites in accordance with the Buffer Zones to Reduce Land Use Conflict with Agriculture Interim Guideline prepared by the Department of Primary Industries. Should any future pesticide use within adjacent sites be required, compliance

with the Pesticides Regulation 2017 will be required which dictates on who and how the pesticides are to be utilised.

- The proposal ensures to enhance the landscape scheme of the site through appropriate tree and screen plantings as evidenced within the submitted Landscape Plan.
- The proposed development includes a suitable designed stormwater system that ensures to not create a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.
- The proposed development will not create unreasonable demands for the provision or extension of public amenities and services.

Compliance with the applicable development provisions are conducted below.

| Clause | Control | Assessment | Compliance |
|-----------------------------------|---|---|------------|
| 4.3 Height of buildings | 10 metres | 9.97 metres | Yes |
| 5.10 Heritage conservation | <p>The objectives of this clause are as follows—</p> <p>(a) to conserve the environmental heritage of Hawkesbury,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p> | <p>The proposal has been reviewed by Council's Heritage Advisor who has raised no concerns with the proposal.</p> | Yes |

Comments provided Council's Heritage Advisor:

"The submitted heritage impact statement and accompanying conservation schedule for the restoration of the historic dwelling on the subject property (prepared by Patrick Wilson - Director of Touring the Past Pty Ltd) is supported. It is not agreed, however, that the conservation works do not need to be extended to the interior of the historic dwelling on the property, as the relevant heritage listing is interpreted as applying to the whole of the historic dwelling – "Gleendoon" and the existing curtilage of the dwelling - farmland. This situation can be readily rectified by requiring that the submitted conservation schedule be amended with the subsequent Construction Certificate application to include heritage conservation works to the interior of the dwelling – note: this is to include any necessary internal repairs and repainting works, which retain the existing historic internal fabric. (Refer to recommended conditions below.)

It is considered that the combined, required, internal and external conservation works to the heritage dwelling on the property will serve to satisfactorily mitigate the expected adverse aesthetic impacts of the relatively large childcare centre on this historic rural property."

Planner's comment:

The proposed development would have no adverse impact on the existing heritage item. The requirement for a conservation schedule is considered necessary and will be conditioned as recommended should consent be granted to the proposed development.

| | | | |
|--|---|---|-----|
| 5.11 Bush fire hazard reduction | Bush fire hazard reduction work authorised by the <i>Rural Fires Act 1997</i> may be carried out on any land without development consent. | Site is categorised as Vegetation Category 3 Bushfire Prone Land. A Bushfire Hazard Assessment is submitted with this application. | Yes |
| 6.1 Acid sulfate soils | (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority. | Detailed site investigation has been submitted that raises no issues regarding the acid sulfate soils. | Yes |
| 6.2 Earthworks | (1) The objectives of this clause are as follows— (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, (b) to allow earthworks of a minor nature without requiring separate development consent. | The proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of surrounding land. | Yes |
| 6.4 Terrestrial biodiversity | (1) The objective of this clause is to maintain terrestrial biodiversity by— (a) protecting native fauna and flora, and (b) protecting the ecological processes necessary for their continued existence, and (c) encouraging the conservation and recovery of native fauna and flora and their habitats. | The proposed development is located on a cleared paddock at the rear of the site. No native flora or fauna will be impacted by the proposal. | Yes |
| 6.7 Essential services | Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access. | Services that are essential for the proposed development are available | Yes |

EXHIBITION AND DETAILS OF WHICH HAVE BEEN NOTIFIED TO COUNCIL

No draft EPIs apply to the subject development.

ANY DEVELOPMENT CONTROL PLAN
Hawkesbury Development Control Plan

Consideration of the provisions contained the Hawkesbury Development Control Plan 2002 and 2023 are outlined in the following:

| Hawkesbury DCP 2023 | | |
|--|--|-------------------|
| Control | Assessment | Compliance |
| Chapter 5 Traffic, Access, Street Design and Parking | | |
| 4.1 Off Street Parking | | |
| D1.1.1 Parking is to be provided in accordance with Table 01 1 space per 4 children plus 1 space per employee | A total of 80 children and 23 staff are proposed as part of this application, thus 20 spaces will be required due to the number of children and 23 spaces will be required due to the number of staff. Thus, 43 spaces are required as per Council's DCP 44 parking spaces is provided. | Yes |
| 4.2 Parking Design Requirements | | |
| D2.2.2 Where a corner site has a dual frontage, vehicle access must be from the secondary road. | Access provided via Greggs Road, with adequate treatments being provided to ensure minimal traffic conflict. | Yes |
| D2.2.4 Driveways are to be located at least 1 metre from adjoining property boundaries and provided with landscaping within the setback, to provide for privacy and maintain amenity of the adjoining developments. | Adequate separation between driveway and adjoining neighbours has been provided. | Yes |
| D2.3.1 Standing areas for service vehicles must ensure adequate space for queuing on site commensurate with the demand associated with the use. | Adequate areas and turning circles are provided for service vehicles. | Yes |
| D2.3.2 The use of loading and unloading areas must not conflict with the safe efficient circulation of pedestrians and other vehicles. | The loading and unloading areas do not conflict with the safe and efficient circulation of pedestrians and other vehicles. | Yes |
| D2.4.2 Landscaped areas must be provided on the form of tree planting, garden beds, mounding, lawns, water sensitive urban features and the like in accordance with the Landscaping Chapter of this DCP and the following additional requirements: a) A minimum of one shade tree must be planted per 4 spaces within a landscaped bay designed for deep soil planning; and | 1 tree per 4 spaces is provided with a 1m wide landscaping strip being provided at the end of parking aisles. | Yes |

| | | |
|--|--|--|
| <p>b) A minimum 1 metre wide landscaping strip must be provided at the end of parking aisles; and</p> <p>c) A minimum 1 metre landscaped strip to be provided along the side and rear boundaries and a minimum 2 metres landscaped strip to be provided along the front boundary (primary frontage).</p> | | |
|--|--|--|

| Hawkesbury DCP 2002 | | |
|--|---|-------------------|
| Control | Assessment | Compliance |
| Part C General Guidelines | | |
| Chapter 3 Signs | | |
| <p>A sign indicating the purpose for which the land is used. These signs shall be restricted to: - one sign per property - a height of 2.5 metres above ground level, and - a maximum area measuring 0.75m² . Double sided or "V" signs may be permitted where considered appropriate, with each face being restricted to 0.75m² .</p> | <p>The proposed sign along Greggs Road is appropriate in terms of design and scale as evidenced within the assessment against State Environmental Planning Policy (Industry and Employment) 2021 Chapter 3 Advertising and Signage above.</p> <p>The proposed sign utilises a recessive colour scheme and is not excessive in size, ensuring to not dominate the streetscape.</p> | Yes |
| Chapter 6 Energy Efficiency | | |
| <p>(c) Sunlight is available to at least 50% of required private open space for at least 2 hours between 9.00am and 3.00p, on 21 June. Where existing overshadowing is greater than the above, it should not be further reduced.</p> | <p>Adequate solar access is provided as evidenced within the submitted solar access diagrams.</p> | Yes |
| <p>(d) Any new development will not reduce the solar access of solar collector/s of an adjoining property to less than 4 hours per day in mid-winter except solar hot water panels to which full access must be maintained.</p> | <p>Overshadowing on adjoining solar collectors will not occur with the subject proposal.</p> | Yes |
| Chapter 8 Farm Buildings and Outbuildings | | |
| 8.4 What Are Outbuildings | | |
| <p>Outbuildings are not commercial in nature and are typically used by the land owners/occupiers for: - The storage of equipment used to maintain the property, - Hobbies, and - Parking of non-commercial vehicles*. *Outbuildings are not be used for the parking of more than one (1) truck plus two (2) trailers or two (2) small</p> | <p>The proposed outbuilding meets the definition of outbuilding and will be utilised for the storage of equipment relating to the maintenance of the site.</p> | Yes |

| | | |
|---|--|-----------------------------------|
| <p>earthmoving machines used primarily off-site by the owner/occupiers of the property.</p> | | |
| 8.5.1 Siting and Orientation | | |
| <p>1. Farm buildings and outbuildings should be clustered in one location on the property. Where possible, this should be close to dwellings, but not where this will result in land use conflict.</p> | <p>Outbuilding is in close proximity to childcare centre and does not result in land use conflict.</p> | <p>Yes</p> |
| <p>2. Farm buildings and outbuildings are to be sited and orientated to minimise their visual dominance and impact on the streetscape. In particular: i) Ridgeline or hilltops locations should be avoided. ii) The narrow elevation of the building should face the primary street frontage.</p> | <p>The proposed outbuilding is appropriately located and orientated to not visually dominate the locality. The orientation of the outbuilding caters to the irregular shape of the lot with the narrow elevation facing towards Grose Vale Road.</p> | <p>Yes</p> |
| <p>3. Farm buildings and outbuildings as well as related driveways, manoeuvring areas and filled areas are to be positioned on the land so as to minimise the removal of any native vegetation</p> | <p>No removal of vegetation is required for the outbuilding.</p> | <p>Yes</p> |
| <p>5. Cut and fill for buildings, manoeuvring areas, fill batters and access driveways should be limited to a maximum 2 metres of cut and 900mm of fill. (Figure 1)</p> | <p>A maximum of 2.5m cut is proposed with the application and a maximum of 1.5m of fill is proposed with the application.</p> <p>The proposed cut and fill is acceptable due to the steep topography of the site. The development attempts to cater to the topography of the site by balancing the cut and fill required. Considering the location of the shed, visual impacts due to the proposed fill are expected to be minimal and not excessively impact the streetscape.</p> | <p>No, acceptable upon merit.</p> |
| <p>The below diagram indicates the location of the shed (highlighted yellow) at the rear of the site to minimise any visual intrusion on the streetscape.</p> | | |

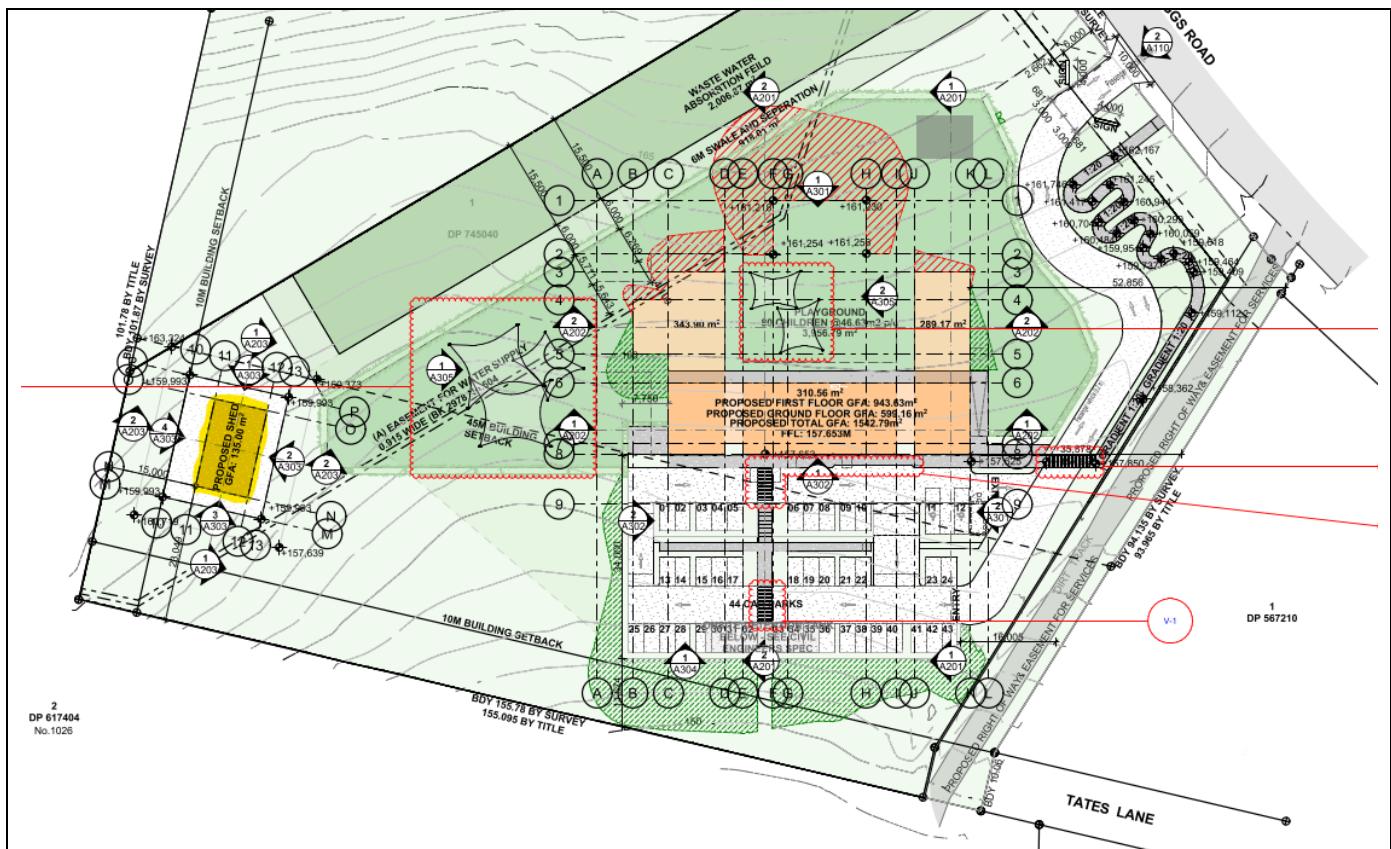


Figure 9: Site map with location of shed highlighted (Source: Smith Architects)

| | | |
|---|---|----------------------------|
| 6. Farm buildings and outbuildings should not be erected on land having a slope in excess of 10%. | The proposed outbuilding is erected on land with a slope in excess of 10%. It is noted that steep topography is present throughout the site, thus, relocating the outbuilding to be in compliance with this control would not be feasible. The location of the outbuilding also allows for the visual impact of the structure to be minimal by being located to the rear and sufficiently setback from the street boundary. | No, acceptable upon merit. |
| 7. Farm buildings and outbuildings should be set back a minimum of 40 metres away from any watercourse. | The proposed outbuilding is setback at least 40m away from a watercourse. | Yes |
| 8.5.2 Building Design and Form | | |
| 1. Roof forms should provide visual relief to the building in order to reduce the building's bulk. Barn style roof forms that are less bulky in appearance are encouraged in rural and environmental protection areas. (Figure 2) | The proposed roof form is viewed to be appropriate. A variety of roof forms for outbuildings is present. | Yes |
| 2. Building facades that can be readily viewed from adjacent roads should be articulated with suitable features such as windows, awnings and verandahs to minimise their visual bulk. | Verandah has been applied to the development to provide articulation. | Yes |

8.5.3 Building Materials, Finishes and Colours

| | | |
|--|--|----------------------------|
| 1. External materials, finishes and colours should complement and harmonise with the surrounding environment and the existing development on the land | The proposed materials, finishes, and colours complement the surrounding environment and existing development. | Yes |
| 2. External materials should have non-reflective surfaces. The use of unpainted metal surfaces may be permitted in limited circumstances subject to the size, height, design and location of the building. The use of unpainted zincalume steel is not encouraged. | Non reflective surfaces are proposed with the outbuilding. | Yes |
| 3. In rural and environmental protection areas the walls and roof should be of colours primarily involving non-urban landscape colours (muted greens and browns). Bright/stark colours such as white, black, blue, yellow or red or variations of these (e.g. cream, grey or orange) are generally not acceptable except as a minor detail colour (e.g. gutters) on a structure. | The proposed roof will be monogram (dark grey) with the outer walls being untinted concrete tilt slab wall (grey). Despite the colour scheme not being of muted greens and browns, the proposed colour scheme is viewed to be recessive and aligned with the proposed colour scheme of the childcare centre. Thus, the proposed colour scheme of the shed is acceptable. | No, acceptable upon merit. |

8.5.4 Size, Setbacks and Height

| | | |
|--|--|----------------------------|
| 1. The maximum areas and minimum setback requirements for farm buildings and outbuildings are provided under the following tables: Max allowable area: 250 sqm Front setback from primary road frontage: 20m Side/rear setback: 10m | The proposed shed is 135sqm and contains adequate setbacks. . | Yes |
| 3. The maximum height of an outbuilding with an area equal to or less than 200m ² is 5.5m above ground level (existing). The maximum height of 'Barn style' outbuildings or outbuildings greater than 200m ² is 6.5m above ground level (existing) | The proposal contains a height of approximately 6.7m. It is noted that this is the only variation for the proposed outbuilding with compliance with the floor area and setback controls being complied with. It is also noted that the site contains a steep slope at the rear of the site where the shed is located, resulting in difficulty with complying with the subject control. | No, acceptable upon merit. |
| 4. Farm buildings and outbuildings that are greater in height than any existing or approved dwelling house on the land are discouraged. | The proposed outbuilding does not exceed the height of the proposed childcare centre. | Yes |
| 6. An open sided verandah or awning of not greater than one third of the area of the proposed farm building or outbuilding | This subject control is complied with. | Yes |

| | | |
|---|--|--|
| may be allowed in addition to the above mentioned maximum allowable areas | | |
|---|--|--|

Internal Referrals

| | |
|-------------|--|
| Building | No objections raised with recommended conditions provided. |
| Engineering | Recommended conditions have been provided including deferred commencement conditions regarding access to the site from Greggs Road and removal of the existing easement. |
| EHO | No objections raised with recommended conditions provided. |
| Heritage | No objections raised with recommended conditions provided. |
| SMF | No objections raised with recommended conditions provided. |

External Referrals

| | |
|--|--|
| Rural Fire Service | No objections raised. |
| Department of Primary Industry - Water | No objections raised with recommended conditions provided. |

MATTERS PRESCRIBED BY THE REGULATIONS

Applicable regulation considerations for compliance with the Building Code of Australia, PCA appointment and notice of commencement of works, sign on work sites, critical stage inspections and records of inspection will be covered under the recommended conditions of consent.

THE LIKELY IMPACTS OF THAT DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS AND THE SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY

The design and scale of the proposed development is site responsive and is in keeping with the anticipated built form of the surrounding area. Appropriate materials colour scheme is proposed to complement the streetscape and natural environment.

The proposal is considered to have minimal impacts on the surrounding locality noting the following points:

- Adequate parking spaces is proposed with a channelised right turn on Greggs Road and Road Safety Audit being required to ensure safe vehicular movement along Greggs Road.
- A Heritage Impact Statement and Schedule of Conservation Works to ensure the protection of the existing heritage item on site.

- An adequate Acoustic Report has been provided ensuring that the proposed development will not excessively impact the locality in terms of noise impacts with suitable measures being recommended.
- A Detailed Site Investigation and Remediation Action Plan have been provided to ensure that the site will be suitable for the use as a childcare centre.
- Suitable setbacks are proposed to allow for adequate visual and acoustic privacy. Landscape screening is also applied to ensure minimal impacts on amenity of surrounding developments, and
- Adequate stormwater and sewer arrangements are proposed to ensure minimal run off onto neighbouring sites.

A bushfire risk assessment report has been submitted with this application, providing measures to ensure the safety of the occupants.

The proposed development provides a positive social and economic benefit for the locality through providing employment opportunities with the childcare centre.

SUITABILITY OF THE SITE FOR THE DEVELOPMENT

As discussed above, the proposed development is viewed to be consistent with the main aims and objectives of relevant legislation and plans. The proposal is in keeping with the built and natural environmental constraints of the site and contains a design and operation plan that is appropriate for the locality. Thus, the proposed development is suitable for the site.

PUBLIC CONSULTATION

The application was notified for 28 days between 10 March to 7 April 2025 in accordance with Council's notification procedures contained within Council's Community Participation Plan. In response, two (2) submission was received. The issues raised within this submission are addressed below.

| Issue | Response |
|---------------------------------|---|
| Impact on traffic | <p>Concerns are raised that the proposal will result in substantial impact on local traffic and access via Greggs Road. Sight distances at the proposed access have been investigated by the applicant's traffic engineer, with Council's development engineers not raising any further concerns. The objections have listed concerns on drivers speeding along Greggs Road, creating danger for users of the access from Greggs Road. Council can not assume that despite speed limit signs are present, drivers would not follow the road rules.</p> <p>However, to address potential traffic conflict along Greggs Road, a Basic Right Turn Treatment will be implemented in front of the vehicular entrance along Greggs Road. This will allow for sufficient traffic flow whilst vehicles are entering the site.</p> <p>Ideas were raised that entry should be conducted through the right of carriageway along the southern boundary. However, this would result in increased vehicular noise impacts for surrounding neighbours.</p> |
| Concerns with on street parking | Concerns were raised regarding street parking. No on street parking facilities are provided adjacent to the site along Greggs Road. The before and after school care aspect has been removed, to reduce the need for parking spaces on site. 43 spaces are required with 44 spaces being |

| | |
|--|---|
| | provided. |
| Compatibility of locality (Kurrajong – Kurmond Investigation Report) | <p>The proposed development was located within the Kurrajong Kurmond Investigation Area, however, it is noted that within the Council Meeting dated 23 February 2021, the Kurmond – Kurrajong Investigation Area Structure Plan was resolved not to be adopted.</p> <p>However, the development still respects the rural nature of the locality through proposing appropriate tree and screen planting that accommodates to the natural landscape of the locality. Suitable design and bulk and scale is applied to the development that is not viewed to be excessive in nature and provides adequate setbacks to ensure minimal visual impact on the streetscape.</p> |
| Acoustic Impacts | Concerns have been raised regarding acoustic impacts of the childcare centre. An acoustic report has been prepared with the application with measures indicated on the architectural plans such as acoustic fencing with surrounding hedging. |

THE PUBLIC INTEREST

The site is considered to have generally satisfied both Council's and external stakeholder requirements and provides an overall positive impact on the community. It is noted that the application garnered two public submissions over the course of the notification period, with appropriate conditions being recommended as part of this application to ensure key issues raised within the submissions are addressed. In this regard, Council considers that the proposed development has been developed in line with the key objectives of the Local Environmental Plan, Development Control Plan and other such requirements and therefore concludes that the application remains in the public interest.

DEVELOPMENT CONTRIBUTIONS

Childcare centres are exempt from development contributions Section 7.11 (previously S94) as per the Hawkesbury Section 94A Contributions Plan 2015. Therefore, development contribution is not required to be paid.

The Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 commenced on 1 July 2024 with the site being located within the Greater Sydney Region. An indexed contribution amount of \$32.35 is required for each square metre of new GFA for commercial development. Within the Order, centre based childcare centre is included as commercial development, thus a total of \$49,909.57 is required for the Housing and Productivity Contributions

EP&A REGULATION 2021

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions, refer to Appendix 1.

CONCLUSION

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal *is* suitable for the site and *is* in the public interest. Therefore, it is recommended that the application be *refused*.

RECOMMENDATION

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979:

A. That the Sydney Western City Planning, exercising the function of the consent authority, **grant** Development Consent to DA0040/25 for the demolition of existing outbuilding, remediation works, restoration to the existing heritage building, construction of centre-based childcare facility including outbuilding storage shed, 44 space carpark, retaining walls, landscaping and signage at Lot 1 DP745040, No.1040 Grose Vale Road KURRAJONG for the following reasons:

1. The proposed development is permissible within the zone and satisfies the objectives and requirements of all relevant environmental planning instruments, including the Hawkesbury Local Environmental Plan 2012;
2. The built form is modest, well-articulated, and sensitively integrated within the rural context, with minimal environmental impact and no unreasonable adverse effect on surrounding residential amenity;
3. The development will provide important community infrastructure to meet the needs of the local population;
4. The proposed development caters to the various constraints of the subject site including bushfire, contamination, and heritage

For the reasons outlined above, approval of the application is considered to be in the public interest.

B. That those who made a submission be advised of the decision made by the Panel.

Relevant matters

This consent does not operate and may not be acted on until the consent authority is satisfied of the following matter(s):

This is a Deferred Commencement Consent and does not operate until the matters listed in 'Schedule 1' of this consent have been addressed.

All matters listed in 'Schedule 1' are required to be satisfactorily addressed within 12 months from the Determination Date that is shown on this consent. Failure to satisfy these matters by the specified date will result in the lapsing of this consent.

Upon receipt of satisfactory evidence in relation to the matters listed in 'Schedule 1', Council will give written notice to the person having benefit of the consent advising of the date from which this consent is to operate. The requirements of the consent will then be subject to the conditions listed in 'Schedule 2' and any additional conditions imposed by Council associated with the satisfaction of 'Schedule 1'.

Schedule 1 Matters

1. (a) a Channelised Right Turn CHR(s) on Greggs Road to accommodate proposed driveway access shall be provided due to limited sight distance to right turn vehicles on Greggs Road. A concept road works plan shall be provided to reflect above requirement in conjunction with below Road Safety Audit (RSA) up to Council's satisfaction.
(b) Road Safety Audit (RSA) shall be undertaken for proposed access and roadworks within Greggs Road road reserve in accordance with Austroads Guide to Road Safety Part 6: Road Safety Audit on the roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA report and a Design Compliance Report shall be provided subject to further review.
(c) a revised Traffic Impact Assessment is required to address below outstanding issues.
 - The size of waste collection vehicle and its loading areas shall be clearly indicated.
 - The designed waste collection vehicle and B99 vehicles swept path on the proposed driveway in relation to any turnings, bends, and access shall be also included in the plans.
 - Vehicle swept path diagrams must be provided demonstrating that the design vehicle can traverse the site in accordance with AS2890.1 'Parking facilities Part 1: Off-street car parking' and 'Part 2: Off-street commercial vehicle facilities'.

2. Proposed building/structure and earthworks (cutting) on the existing water supply easement is not allowed. Relocating the easement and associated service is required. Alternatively, this water supply easement must be removed. Evidence demonstrating its removal is required.

Evidence of the above relevant matter(s) must be produced to the consent authority, within 365 days of the date of the determination, otherwise the consent will lapse.

Under section 88(3) of the EP&A Regulation, the consent authority will notify you in writing if the matters above have been satisfied and the date from which this consent operates.

The conditions of development consent below apply from the date that this consent operates.

Note: Section 76(3) of the EP&A Regulation enables a consent authority to specify the period within which the applicant must produce evidence to the consent authority sufficient enough to enable it to be satisfied as to the relevant matter(s) that it requires before a deferred commencement consent can operate. Where a period is specified under section 76(3), a deferred commencement consent will lapse if the applicant has not produced sufficient evidence for the consent authority to be satisfied of the relevant matters on the expiration of the specified period.

Where the applicant produces evidence of the relevant matters in accordance with section 76(4) of the EP&A Regulation, the consent authority must notify the applicant whether or not it is satisfied as to the relevant matter(s). If the consent authority has not notified the applicant within 28 days after receiving the applicant's evidence, the consent authority is taken to have notified the applicant that is not satisfied about the relevant matter(s) on the date on which that period expires, for the purposes of section 8.7 of the EP&A Act (see sections 76(4), (5) and (6) of the EP&A Regulation).

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Eric Kim
Senior Town Planner
Person on behalf of the consent authority

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

| Approved Plans and Supporting Documentation | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|-------------------------|------------------|-----------|-----------|------------|-----------------------|---------------------|-------------|-----------|-----------|------|---------|--------------------|------------------|---|------|------------|---------|---------------|------------------|---|------|------------|---------|---------------|------------------|---|------|------------|---------|-----------------|------------------|---|--------|------------|---------|-----------------|------------------|---|--------|------------|---------|-------------------|------------------|---|------|------------|---------|------------------|------------------|---|------|------------|---------|-----------|------------------|---|------|------------|---------|------------------------|------------------|---|------|------------|---------|----------------|------------------|---|------|------------|---------|-----------------------|------------------|---|------|------------|---------|-----------------------|------------------|---|------|------------|---------|-----------------------|------------------|---|------|------------|---------|-------------------------|-------|---|------|------------|
| The development must be carried out in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| a) Plans Reference: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <thead> <tr> <th>Drawing Reference No.</th><th>Drawing Description</th><th>Prepared By</th><th>Issue No.</th><th>Sheet No.</th><th>Date</th></tr> </thead> <tbody> <tr> <td>PN-0433</td><td>Existing Site Plan</td><td>Smith Architects</td><td>Q</td><td>A102</td><td>28/05/2025</td></tr> <tr> <td>PN-0433</td><td>Pro Site Plan</td><td>Smith Architects</td><td>V</td><td>A103</td><td>28/05/2025</td></tr> <tr> <td>PN-0433</td><td>Car Park Plan</td><td>Smith Architects</td><td>V</td><td>A104</td><td>28/05/2025</td></tr> <tr> <td>PN-0433</td><td>Car Park Plan 2</td><td>Smith Architects</td><td>V</td><td>A104.1</td><td>28/05/2025</td></tr> <tr> <td>PN-0433</td><td>Car Park Plan 3</td><td>Smith Architects</td><td>V</td><td>A104.2</td><td>28/05/2025</td></tr> <tr> <td>PN-0433</td><td>Ground Floor Plan</td><td>Smith Architects</td><td>V</td><td>A105</td><td>28/05/2025</td></tr> <tr> <td>PN-0433</td><td>First Floor Plan</td><td>Smith Architects</td><td>V</td><td>A106</td><td>28/05/2025</td></tr> <tr> <td>PN-0433</td><td>Roof Plan</td><td>Smith Architects</td><td>R</td><td>A107</td><td>28/05/2025</td></tr> <tr> <td>PN-0433</td><td>Shed Ground Floor Plan</td><td>Smith Architects</td><td>R</td><td>A108</td><td>28/05/2025</td></tr> <tr> <td>PN-0433</td><td>Shed Roof Plan</td><td>Smith Architects</td><td>R</td><td>A109</td><td>28/05/2025</td></tr> <tr> <td>PN-0433</td><td>Proposed Fencing Plan</td><td>Smith Architects</td><td>V</td><td>A110</td><td>28/05/2025</td></tr> <tr> <td>PN-0433</td><td>Accessibility Plan GF</td><td>Smith Architects</td><td>V</td><td>A111</td><td>28/05/2025</td></tr> <tr> <td>PN-0433</td><td>Accessibility Plan FF</td><td>Smith Architects</td><td>V</td><td>A112</td><td>28/05/2025</td></tr> <tr> <td>PN-0433</td><td>Accessibility Site Plan</td><td>Smith</td><td>V</td><td>A113</td><td>28/05/2025</td></tr> </tbody> </table> | | | | | | Drawing Reference No. | Drawing Description | Prepared By | Issue No. | Sheet No. | Date | PN-0433 | Existing Site Plan | Smith Architects | Q | A102 | 28/05/2025 | PN-0433 | Pro Site Plan | Smith Architects | V | A103 | 28/05/2025 | PN-0433 | Car Park Plan | Smith Architects | V | A104 | 28/05/2025 | PN-0433 | Car Park Plan 2 | Smith Architects | V | A104.1 | 28/05/2025 | PN-0433 | Car Park Plan 3 | Smith Architects | V | A104.2 | 28/05/2025 | PN-0433 | Ground Floor Plan | Smith Architects | V | A105 | 28/05/2025 | PN-0433 | First Floor Plan | Smith Architects | V | A106 | 28/05/2025 | PN-0433 | Roof Plan | Smith Architects | R | A107 | 28/05/2025 | PN-0433 | Shed Ground Floor Plan | Smith Architects | R | A108 | 28/05/2025 | PN-0433 | Shed Roof Plan | Smith Architects | R | A109 | 28/05/2025 | PN-0433 | Proposed Fencing Plan | Smith Architects | V | A110 | 28/05/2025 | PN-0433 | Accessibility Plan GF | Smith Architects | V | A111 | 28/05/2025 | PN-0433 | Accessibility Plan FF | Smith Architects | V | A112 | 28/05/2025 | PN-0433 | Accessibility Site Plan | Smith | V | A113 | 28/05/2025 |
| Drawing Reference No. | Drawing Description | Prepared By | Issue No. | Sheet No. | Date | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PN-0433 | Existing Site Plan | Smith Architects | Q | A102 | 28/05/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PN-0433 | Pro Site Plan | Smith Architects | V | A103 | 28/05/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PN-0433 | Car Park Plan | Smith Architects | V | A104 | 28/05/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PN-0433 | Car Park Plan 2 | Smith Architects | V | A104.1 | 28/05/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PN-0433 | Car Park Plan 3 | Smith Architects | V | A104.2 | 28/05/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PN-0433 | Ground Floor Plan | Smith Architects | V | A105 | 28/05/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PN-0433 | First Floor Plan | Smith Architects | V | A106 | 28/05/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PN-0433 | Roof Plan | Smith Architects | R | A107 | 28/05/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PN-0433 | Shed Ground Floor Plan | Smith Architects | R | A108 | 28/05/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PN-0433 | Shed Roof Plan | Smith Architects | R | A109 | 28/05/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PN-0433 | Proposed Fencing Plan | Smith Architects | V | A110 | 28/05/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PN-0433 | Accessibility Plan GF | Smith Architects | V | A111 | 28/05/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PN-0433 | Accessibility Plan FF | Smith Architects | V | A112 | 28/05/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PN-0433 | Accessibility Site Plan | Smith | V | A113 | 28/05/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | | | | | |
|---------|---|------------------|---|------|------------|
| | | Architects | | | |
| PN-0433 | Sections | Smith Architects | R | A201 | 28/05/2025 |
| PN-0433 | Sections | Smith Architects | R | A202 | 28/05/2025 |
| PN-0433 | Elevations | Smith Architects | R | A301 | 28/05/2025 |
| PN-0433 | Elevations | Smith Architects | R | A302 | 28/05/2025 |
| PN-0433 | Shed Elevations | Smith Architects | R | A303 | 28/05/2025 |
| PN-0433 | Shade Sail Elevations | Smith Architects | V | A305 | 28/05/2025 |
| PN-0433 | Typical Nappy Change and WC Internal Elevations | Smith Architects | V | A605 | 28/05/2025 |
| PN-0433 | Typical Nappy Change and WC Internal Elevations Continued | Smith Architects | V | A606 | 28/05/2025 |
| 240628 | Planting Plan | Aspect Designs | A | L/02 | 26/08/2024 |
| 240628 | Early Learning Centre Layout (1 of 2) | Aspect Designs | A | L/03 | 26/08/2024 |
| 240628 | Early Learning Centre Layout (2 of 2) | Aspect Designs | a | L/04 | 26/08/2024 |

b) Document Reference:

| Document Title | Reference | Prepared By | Date |
|---|-------------------|--|------------|
| Access Report | 22459 | Vista Access Architects | 11/12/2023 |
| Acoustic Report | 7692-1.1R | Day Design PTY LTD | 09/12/2024 |
| Building Code of Australia Assessment Report | 2240 | Accurate Fire & Building Consulting | 20/11/2023 |
| Bushfire Hazard Assessment Report | 222.11.462 | Control Line Consulting | 14/06/2023 |
| Concept On-Site Wastewater Management Assessment Report | 71433C/L7243 | Thomas Contractors | 06/10/2023 |
| Geotechnical Report | RHD 5300 - GEO AA | Compaction and Soil Testing Services PTY LTD | 06/09/2024 |
| Part A: Detailed Site Investigation | RHD 5300 – AA | Compaction and Soil Testing Services PTY LTD | 16/08/2024 |
| Schedule Of Conservation Works | | Touring the Past | 01/09/2024 |
| Heritage Impact Statement | | Touring the Past | 01/09/2024 |
| Operational Plan of Management | | | 05/2025 |
| Waste Management Plan | | Urban City Planning Pty Ltd | 10/2024 |

No works, other than those approved (including raising or lowering of ground levels on the site, or construction of retaining walls on any property boundary) are permitted by this consent.

| | |
|---|--|
| | <p>Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:</p> <ul style="list-style-type: none">(i) any amendments made by Council on the approved plans or documents;(ii) any notes, markings, or stamps on approved plans or documents; and(iii) any conditions contained in this consent. |
| | <p>Condition reason: To ensure the work is carried out in accordance with the approved plans.</p> |
| 2 | <p>Design Amendments Required</p> <p>Design Amendments Required</p> <p>In order to ensure orderly development, the design of the building must be amended as follows:</p> <ul style="list-style-type: none">a) pedestrian paths that enable two prams to pass each other is to be clearly indicated within the architectural plans. <p>Details are to be submitted to the Accredited Certifier prior to the issue of a Construction Certificate demonstrating compliance with this condition.</p> <p>Condition reason: To require minor amendments to the approved plans endorsed by the consent authority following assessment of the development.</p> |
| 3 | <p>Appointment of a Principal Certifier</p> <p>No work must commence until:</p> <ul style="list-style-type: none">a) A Principal Certifier is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:<ul style="list-style-type: none">(i) name and licence number of the builder/contractor undertaking the construction works; or(ii) name and permit number of the owner-builder (if relevant);b) The Principal Certifier has:<ul style="list-style-type: none">(i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);(ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;(iii) notified Council of its appointment (not less than two days before commencement of building work); |

| | |
|---|---|
| | <p>c) The person having benefit of the consent (if not carrying out work as an owner-builder) has:</p> <ul style="list-style-type: none"> (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved; (ii) notified the Principal Certifier of the appointment of the principal contractor; (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work; and <p>d) At least two days' notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.</p> |
| | <p>Condition reason: To comply with legislative requirements.</p> |
| 4 | <p>Archaeology - Discovered During Excavation</p> <p>As required by the <i>Heritage Act 1977</i>, in the event that items, relics, historical cultural fabric and/or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the NSW Government's Heritage Council must be notified of the discovery.</p> <p>In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the <i>Heritage Act 1977</i> to obtain the necessary approvals/permits from NSW Department of Planning and Environment - Environment and Heritage.</p> <p>Note: The <i>Heritage Act 1977</i> imposes substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.</p> <p>Condition reason: To ensure that any Aboriginal and European archaeological items are appropriately managed and requirements of the NSW Department of Planning and Environment - Environment and Heritage are satisfied.</p> |
| 5 | <p>Excavation - Aboriginal Relics</p> <p>If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:</p> <ul style="list-style-type: none"> a) all excavation or disturbance of the area must stop immediately in that area; and b) NSW Department of Planning and Environment - Office of Environment and Heritage Group must be advised of the discovery. <p>All necessary approvals from NSW Department of Planning and Environment - Office of Environment and Heritage Group must be obtained and a copy provided to Council prior to works recommencing.</p> |

| | |
|---|--|
| | <p>Note: If an Aboriginal object is discovered, an Aboriginal Heritage Impact Permit may be required under the <i>National Parks and Wildlife Act 1974</i>.</p> <p>Condition reason: To ensure that any Aboriginal archaeological items are appropriately managed.</p> |
| 6 | <p>Occupation Certificate Required Prior to The Use Of The Building</p> <p>The building must not be occupied or used prior to the issuing of an Occupation Certificate by the Principal Certifier. Where a partial Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.</p> <p>A copy of any Occupation Certificate must be submitted to Council within two days of its issue.</p> <p>Condition reason: Statutory requirement.</p> |
| 7 | <p>Prescribed Conditions - Compliance with National Construction Code</p> <p>All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).</p> <p>Condition reason: Statutory requirement.</p> |
| 8 | <p>Works Must Not Commence Until a Construction Certificate is Issued</p> <p>Construction or preparatory work (including earthworks or tree and/or vegetation removal) must not commence until:</p> <p class="list-item-l1">a) a Construction Certificate is obtained from either Council or an Accredited Certifier;</p> <p class="list-item-l1">b) a Principal Certifier is appointed; and</p> <p class="list-item-l1">c) a Notice of Commencement is lodged with Council.</p> <p>Note: If the Construction Certificate is issued by an Accredited Certifier that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval (a registration fee is payable upon lodgement).</p> <p>Condition reason: To ensure compliance with the approval.</p> |
| 9 | <p>Excavated Soil – NSW Environmental Protection Authority (EPA) Waste Classification Guidelines</p> <p>Any soils excavated from the subject site are to be classified under the NSW Environmental Protection Authority (EPA) Waste Classification Guidelines. Testing is required to be undertaken by a suitably qualified consultant prior to offsite disposal.</p> <p>All waste materials must be removed to appropriately licensed waste facilities by a suitably qualified contractor in accordance with NSW EPA Waste Classification Guidelines.</p> <p>Details of soil excavation, transportation and disposal works must be provided to the Principal</p> |

| | |
|----|--|
| | <p>Certifier as part of the validation reporting for the development.</p> <p>Condition reason: To ensure that fill material is classified and disposed of lawfully.</p> |
| 10 | <p>Remediation of Contaminated Land</p> <p>Prior to the execution of works associated with the built form of the development, the site is to be remediated and validated in accordance with the Site Remedial Action Plan prepared by Compaction & Soil Testing Services dated 16 August 2024.</p> <p>All remediation work carried out shall be conducted in accordance with the criteria detailed in the statutory and recommended NSW EPA guidelines in force under Section 105 of the Contaminated Land Management Act 1997. The guidelines are available on the NSW EPA website under Statutory Guidelines.</p> <p>Any variations to the proposed Remedial Action Plan shall be approved in writing by Hawkesbury City Council Director of City Planning prior to the commencement of such work.</p> <p>A site validation report shall be forwarded to Director of City Planning Hawkesbury City Council for written confirmation prior to the issue of a Construction Certificate. The validation report should conclude that the site has been remediated, and that the site is now suitable for the proposed development.</p> <p>Condition reason: Ensure orderly development.</p> |
| 11 | <p>Civil Works Specification – Private Land</p> <p>Council requires the following works to be carried out as part of the development:</p> <ul style="list-style-type: none"> a) earthworks; b) stormwater drainage work (including water quality control facilities); c) on-site-detention system; d) driveway access and car parking. <p>All civil construction works required by this consent must be undertaken in accordance with Western Sydney Engineering Design Manual Document WS190098 EDM Rev: PCG_03, April 2021 and Hawkesbury Development Control Plan 2002 – Appendix E Civil Works Specification (Part 2 – Construction Specification).</p> <p>A Construction Certificate is required to be in force prior to work commencing. It may be necessary to obtain appropriate Compliance Certificates for certain aspects of the development prior to the issue of a Construction Certificate.</p> <p>Inspections must be carried out either by Council or an Accredited Certifier. Should Council be engaged to issue compliance certificates or carry out inspections, fees can be provided on request.</p> <p>Condition reason: To ensure that civil works are designed and undertaken to meet minimum specifications.</p> |
| 12 | Works on Public Land - Not Permitted Without Approval |

| | |
|----|--|
| | <p>No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc.) without the prior written consent of Council or other relevant authority. In this regard the person having benefit of the consent is to contact Council or other relevant authority prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.</p> <p>The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of any damaged areas.</p> <p>Following approval must be obtained from Council or other relevant authority prior to the issue of Construction Certificate by a Certifier.</p> <ul style="list-style-type: none"> • <i>Roads Act 1993 Approval</i> <i>A separate Roads Act 1993 (Section 138) approval is required from a Roads Authority before any work is carried out within Public Roads.</i> • <i>S68 Local Government Act 1993 Approval</i> <i>A separate Local Government Act 1993 (S68) approval is required from Council before any work is carried out within council drainage easement and public land</i> <p>Condition reason: To ensure compliance with the approval.</p> |
| 13 | <p>Integrated Development - General Terms of Approval</p> <p>The general terms of approval from the following Authorities, as referred to in Section 4.47(2) of the <i>Environmental Planning and Assessment Act 1979</i>, and referenced below, are attached and form part of the consent conditions for this approval [delete or add relevant authorities]:</p> <p>a) NSW Rural Fire Service - The General Terms of Approval, Reference CNR-79262 and dated 28 April 2025 are attached and form part of this consent.</p> <p>Condition reason: To ensure compliance with relevant NSW Government Agency conditions.</p> |
| 14 | <p>Limitation on Consent - Existing Buildings and Structures</p> <p>This development consent relates only to the new work nominated on the stamped approved plans and does not approve or regularise any existing buildings or structures located on the property.</p> <p>Condition reason: To clarify the terms of the consent.</p> |

Building Work

Before issue of a construction certificate

| | |
|----|---|
| 15 | Access for Persons with a Disability |
|----|---|

| | |
|----|--|
| | <p>Details demonstrating compliance with Australian Standard AS 1428.1 - 'Design for Access and Mobility and Disability (Access to Premises - Buildings) Standards 2010' in relation to the development are to be submitted to the Accredited Certifier prior to issue of a Construction Certificate.</p> <p>Condition reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.</p> |
| 16 | <p>Compliance with the Building Code of Australia – Fire Services and Equipment</p> <p>Detailed plans showing the existing and proposed fire services and equipment suitable for the intended class of building and proposed use, is to be supplied.</p> <p>The design and installation of these services and equipment are to be compliant with the Building Code of Australia and relevant Australian Standards.</p> <p>Details are to be provided to the Accredited Certifier prior to issue of the Construction Certificate.</p> <p>Condition reason: To ensure that a suitable fire protection measures are provided and the installation complies with relevant standards.</p> |
| 17 | <p>Long Service Levy Payment</p> <p>The payment of a long service levy as required under Part 5 of the <i>Building and Construction Industry Long Service Payments Act 1986</i> is required. Evidence that the levy has been paid, is to be submitted to the Principal Certifier prior to the issue of any Construction Certificate.</p> <p>Note: The long service levy is applied to all NSW building and construction projects of \$250,000 or more (inc. GST). The current rate is 0.25% of the total cost of the work. Payments can be made at Long Service Payments Corporation offices or most councils.</p> <p>Condition reason: Statutory requirement.</p> |
| 18 | <p>Structural Engineers Design - Concrete and Structural Steel</p> <p>A qualified Structural Engineer's design for all reinforced concrete and structural steel must be provided to the Accredited Certifier prior to issue of Construction Certificate.</p> <p>Condition reason: To ensure that the construction work is structurally sound.</p> |
| 19 | <p>Structural Engineers Design - Retaining Walls</p> <p>Any retaining walls having a height exceeding 600mm proposed in conjunction with the development are required to be designed by a practicing structural engineer.</p> <p>Details demonstrating compliance with this requirement must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.</p> <p>Condition reason: To ensure that the retaining walls are structurally sound.</p> |
| 20 | <p>Sydney Water - Section 73 Compliance Certificate</p> |

| | |
|----|--|
| | <p>A Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be obtained. Application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website.</p> <p>Following application, a 'Notice of Requirements' will be forwarded detailing water and/or 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.</p> <p>The 'Notice of Requirements' or Section 73 Certificate must be submitted to the Accredited Certifier prior to the issue of any Construction Certificate.</p> <p>Condition reason: To ensure the requirements of Sydney Water have been satisfied.</p> |
| 21 | <p>Noise Generating Premises - Acoustic Certification</p> <p>The recommendations contained in the acoustic report prepared by Day Design Pty Ltd, dated 9 December 2024, must be incorporated into the design and construction of the development.</p> <p>A suitably qualified acoustic consultant must be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with any acoustic conditions.</p> <p>Details demonstrating compliance with this requirement must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.</p> <p>Condition reason: To ensure that the maximum noise generation associated with the operation of the premises does not exceed anticipated levels.</p> |
| 22 | <p>Food Premises - Construction and Fitout General Requirement</p> <p>Detailed plans of the kitchen, bar and food preparation and storage areas must be prepared by a suitably qualified person and certified in accordance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 – 'Design, construction and fitout of food premises' and must be submitted to and approved by Council prior to a Construction Certificate being issued.</p> <p>a) The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and Australian Standard AS 4674 - 'Design, construction and fitout of food premises'.</p> <p>b) Cooking must not commence until an air handling system, in accordance with the BCA is installed and operational.</p> <p>c) The floor of the food premises must be finished in an approved non absorbent material, evenly laid, or graded and drained to a trapped floor waste.</p> <p>d) The floor must be coved at the intersection with the walls.</p> <p>e) The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth-faced impervious material.</p> |

f) Ceilings within the food preparation and storage areas must be free of gaps and open joints and must be finished with an impervious sealed material. Drop in panels are not permitted in food preparation areas, food storage areas or areas where open food is displayed or served.

g) Hand wash basin/s, with hot and cold running water mixed through a common spout, hand wash soap and hand drying facilities must be provided in all food preparation areas, and toilets used by food handlers and must be no further than 5m travel distance from a place where a food handler is handling food. All taps to hand wash basins must be hands free. (For example: sensor taps, knee operated taps or foot pedal taps). Liquid soap and paper towel dispensers or other hand drying facilities must be located next to and in close proximity the hand wash basin.

h) A double bowl sink or two compartment tub (the capacity of which must be capable of fitting all food contact equipment) must be provided in the food preparation area, in addition to the hand basin,
OR
alternatively a single bowl sink and a dishwasher must be provided in the food preparation or designated area, (where all the food contact equipment will fit in the dishwasher) in addition to the hand basin.

i) A separate and dedicated food preparation sink is to be provided within the food premises where foods are prepared by immersion in water.

j) A cleaners' sink for the purpose of cleaning floor mops and other cleaning equipment must be provided within the premises, preferably in the garbage room or separate from the food preparation and storage area.

k) Clothing lockers or change rooms for male and female staff must be provided in the premises in a separate location to the food handling and storage areas.

l) All service pipes, electrical conduits, refrigeration condensate pipes and the like must be chased into walls and floors or at least 25mm off the wall.

m) All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.

n) Where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.

o) The following requirements apply to clearances and supports of equipment:
 (i) all stoves, refrigerators, cupboards and similar fittings must have metal legs made of non-corrosive metal or moulded plastic at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75mm high; and
 (ii) all shelving must be fixed 25mm clear of the walls on solid metal brackets.

Condition reason: Ensure orderly development.

| | |
|----|---|
| 23 | On-site Sewage Management - Approval Required |
| | Prior to the issue of the Construction Certificate, approval must be obtained for the installation of the commercial on-site sewage management system. The application must be submitted to Council together with the design details, site assessment report and payment of the prescribed fee. |

| | |
|----|---|
| | <p>Following installation and prior to use of the approved on-site sewage management system an Approval to Operate the system must be obtained from Council.</p> <p>Condition reason: Statutory requirement.</p> |
| 24 | <p>Deep Pits - Structural Engineers Design Required</p> <p>All pits deeper than three metres must be designed by a certified structural engineer and be in accordance with Australian Standard AS 3600 – ‘Concrete Structures’. Pits deeper than 1.2 metres must have step irons and pits deeper than 1.8 metres are to be reinforced concrete.</p> <p>Details to this effect must be incorporated on the detailed drainage design that is submitted to the Accredited Certifier prior to issue of the Construction Certificate.</p> <p>Condition reason: To ensure that the design satisfies relevant standards.</p> |
| 25 | <p>Detailed Drainage Design - Commercial/Industrial</p> <p>A detailed drainage design of the site must be submitted to and approved by the Certifier prior to the release of the Construction Certificate. The detailed plan must:</p> <p class="list-item-l1">a) be generally in accordance with submitted Stormwater Management Plan, Project No: TX17209.00, Issue C, dated 16/02/2024, prepared by Triaxial Consulting.</p> <p class="list-item-l1">b) indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines;</p> <p class="list-item-l1">c) be to the satisfaction of the Certifier;</p> <p class="list-item-l1">d) be designed to cater for a 1 in 20 year Average Recurrence Interval storm event;</p> <p class="list-item-l1">e) show details of any overflow drainage paths and that they be designed to cater for 1 in 100 year Average Recurrence Interval storm event; and</p> <p class="list-item-l1">f) comply with the Hawkesbury Development Control Plan 2002 – Appendix E Civil Works Specification (Part 2 – Construction Specification), Western Sydney Engineering Design Manual Document WS190098 EDM Rev: PCG_03, April 2021 and Australian Standard AS 3500 - ‘Plumbing and Drainage’ unless a variation is specifically noted and approved by the Development Application concept drainage plan.</p> <p>Condition reason: To ensure satisfactory stormwater disposal and compliance with relevant standards.</p> |
| 26 | <p>Driveway Construction - Commercial in Council Road Reserve</p> <p>An 'Agreement Form for Driveways' must be submitted to Council along with detailed engineering plan prior to the issue of a Construction Certificate. Evidence of lodgement and payment for this application must be provided to the Certifier.</p> |

| | |
|----|--|
| | <p>The vehicular crossing must:</p> <ul style="list-style-type: none"> a) have a minimum width of six metres within the road reserve; b) not interfere with existing public infrastructure; c) have a sealed finish; and d) be designed and constructed in accordance with Hawkesbury Council's 'Driveway Specification', the Hawkesbury Development Control Plan 2002 – Appendix E Civil Works Specification (Part 2 – Construction Specification) and Western Sydney Engineering Design Manual Document WS190098 EDM Rev: PCG_03, April 2021. <p>Details demonstrating compliance with the above requirements must be submitted to Council in the lodgement of the 'Agreement Form for Driveways' application.</p> <p>Note: The 'Agreement Form for Driveways' and the 'Driveway Specification' are available from Council's website.</p> <p>Condition reason: To ensure suitable vehicular access is provided satisfying relevant minimum design standards.</p> |
| 27 | <p>Engineer Designed Pavement - Commercial</p> <p>The carpark pavement must be designed by a qualified civil/geotechnical engineer and certified to be satisfactory for the expected traffic loadings. AUSTROADS Guide to Pavement Technology can be used as the design guideline for the pavement design.</p> <p>The above details must be incorporated on appropriate submitted plans prior to the issue of the Construction Certificate to the satisfaction of the Accredited Certifier.</p> <p>Condition reason: To ensure the road/driveway design meets minimum engineering standards.</p> |
| 28 | <p>Erosion and Sediment Control Plan</p> <p>Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Accredited Certifier approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage and a north point.</p> <p>The ESCP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction' (2004). The plan must show the following:</p> <ul style="list-style-type: none"> a) timing of works; b) nature and extent of earthworks, including the amount of any cut and fill; c) where applicable the diversion of runoff from upslope lands around the disturbed areas; d) location of all soil and other material stockpiles including topsoil storage; e) location and type of proposed erosion and sediment control measures; f) site rehabilitation proposals; and |

| | |
|----|---|
| | <p>g) frequency and nature of maintenance program.</p> <p>Condition reason: To ensure that construction works are managed so that contaminated runoff, siltation and degradation of waterways does not occur.</p> |
| 29 | <p>On Site Stormwater Detention Design Compliance</p> <p>On-Site Detention (OSD) for stormwater is required to be provided for this development. Details including calculations are to be shown on plans submitted for the Construction Certificate to the Satisfaction of the Certifier. OSD must comply with the following:</p> <p class="list-item-l1">a) OSD must be provided to maintain all stormwater discharges for storms up to the 1 in 100 Average Recurrence Interval storm event at predevelopment levels;</p> <p class="list-item-l1">b) the OSD system is to be designed in accordance with Western Sydney Engineering Design Manual Document WS190098 EDM Rev: PCG_03, April 2021 and Hawkesbury Development Control Plan 2002 – Appendix E Civil Works Specification (Part 2 – Construction Specification) and Australian Standard AS 3500 - 'Plumbing and Drainage' unless a variation is specifically noted and approved by the Development Application</p> <p>Details demonstrating compliance with the above requirements must be submitted to the Certifier prior to issue of the Construction Certificate.</p> <p>Condition reason: To ensure that the system satisfies relevant minimum design standards.</p> |
| 30 | <p>Overland Flow</p> <p>The development must not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:</p> <p class="list-item-l1">a) water flowing from the property must not be redirected or concentrated to adjoining properties;</p> <p class="list-item-l1">b) water flowing into the property from adjoining lots must not be impeded or diverted; and</p> <p class="list-item-l1">c) water flow must follow the natural flow directions without increasing velocity.</p> <p>Details demonstrating compliance with the above must be provided to the Accredited Certifier prior to the issue of a Construction Certificate.</p> <p>Condition reason: To ensure that post development water flows do not cause nuisance to neighbouring properties.</p> |
| 31 | <p>Pit Grates</p> <p>All pits must have flush fitting grates. All pits larger than 600mm x 600mm are to be grated galvanised steel grid hinged and be heavy duty type where traffic loading is expected.</p> <p>Details to this effect are to be included on plans submitted to the Accredited Certifier prior to issue of the Construction Certificate.</p> <p>Condition reason: To ensure that civil works are designed and undertaken to meet minimum</p> |

| | |
|----|--|
| | specifications. |
| 32 | <p>Traffic Control Plan</p> <p>A Traffic Control Plan prepared in accordance with the Roads and Maritime Services publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council for acceptance, prior to commencement of any works, for approval.</p> <p>Where the site adjoins a Roads and Maritime Service controlled road, the Traffic Management Plan is to be approved accepted by Roads and Maritime Services before submission to Council for acceptance.</p> <p>Condition reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.</p> |
| 33 | <p>Traffic Management Plan</p> <p>A detailed Traffic Management Plan must be submitted to the Accredited Certifier prior to the issue of the Construction Certificate indicating how construction vehicles will safely enter and exit the site in a practical manner whilst minimising any negative effects on the surrounding roads and community. The Traffic Management Plan must include the following:</p> <ul style="list-style-type: none"> a) construction access to the site is to be solely from Greggs Road; b) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site; c) all loaded vehicles entering or leaving the site must have their loads covered; d) the proposed method of access to and egress from the site for vehicles is to be safe and practical; and e) any associated Traffic Control Plans prepared by an appropriately qualified person in accordance with the Roads and Maritime Services publication 'Traffic Control at Worksites'. <p>Where the site adjoins a Roads and Maritime Service controlled road, the Traffic Management Plan is to be approved by Roads and Maritime Services before incorporation into the Construction Management Plan.</p> <p>Details demonstrating compliance with these requirements are to be submitted to the Registered Certifier prior to the issue of the Construction Certificate.</p> <p>Condition reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.</p> |
| 34 | <p>Vehicle Entry and Exit from Commercial/Industrial Property</p> <p>The vehicular usage of the site must be constructed to comply with the following requirements:</p> <ul style="list-style-type: none"> a) all vehicles must be loaded and unloaded entirely within the property in a safe and practical manner; |

| | |
|----|--|
| | <p>b) all vehicles must be driven in a forward direction at all times when entering and leaving the premises; and</p> <p>c) vehicles entering and exiting the site must not create queuing which adversely affects vehicles travelling on the public road network.</p> <p>Loading and unloading areas are to be clearly designated and the swept paths of the longest vehicle entering and exiting the subject site must be in accordance with:</p> <p>a) Australian Standard AS 2890.1 - 'Parking facilities - Off-street car parking' and</p> <p>b) Australian Standard AS 2890.2 - 'Parking facilities - Off-street commercial vehicle facilities'.</p> <p>Details demonstrating compliance with the above requirements must be submitted to the Certifier prior to issue of the Construction Certificate.</p> <p>Condition reason: To ensure that access along the road and adjacent road reserve is maintained ensuring the ongoing safety and protection of people.</p> |
| 35 | <p>S138 Roads Act - Road works requiring approval of civil drawings</p> <p>Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Hawkesbury City Council (being the Roads Authority under the Roads Act), for provision of a Channelised Right Turn CHR(s) in Greggs Road.</p> <p>Engineering Plans are to be prepared in accordance with development consent, Austroads Guidelines, Hawkesbury Development Control Plan 2002 – Appendix E Civil Works Specification (Part 2 – Construction Specification) and Western Sydney Engineering Design Manual Document WS190098 EDM Rev: PCG_03, April 2021.</p> <p>Details demonstrating compliance with the above requirements must be submitted to Council in the lodgement of S138 Roads Act Application prior to issue of any Construction Certificate.</p> <p>Note: private accredited Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the Roads Act 1993.</p> <p>Condition reason: Ensure orderly development.</p> |
| 36 | <p>Local Traffic Committee approval</p> <p>A detailed plan for all road signage, line marking must be approved by the Council's Local Traffic Committee (LTC). The approved plan must be submitted with the design plans for the Road Act Approval.</p> <p>Application to the Council LTC for approval of signage and line marking plan must be supported with a Road Safety Audit, a summary report, and a Design Compliance Report.</p> <p>This plan must show the location of street name signs, regulatory signs (such as no parking or give way signs), directional signs and posts (such as chevron signs), speed limit signs, and pavement line marking where required.</p> |

| | <p>Signage and posts must be provided in accordance with the <i>Western Sydney Engineering Design Manual Document WS190098 EDM Rev: PCG_03, April 2021</i> and <i>Hawkesbury Development Control Plan 2002 – Appendix E Civil Works Specification (Part 2 – Construction Specification)</i>.</p> <p>Details demonstrating compliance with the above requirements must be submitted to the Certifier prior to the issue of any Roads Act Approval. All traffic signage and line marking plan approved by LTC in association with the Road Works must be formed part of Roads Act Approval.</p> <p>Condition reason: Ensure orderly development.</p> | | | | | | | | |
|--|---|--|--------|--|-------------|-----------------------------|-----|---|-------------|
| 37 | <p>Earthworks in the vicinity of a formerly decommissioned dam site</p> <p>Supporting Geotechnical report to ascertain the earthworks in relation to structural integrity and stability, particularly in relation to settlement concerns, shall be provided due to proposed childcare facility is in the vicinity of a formerly decommissioned dam site.</p> <p>Details demonstrating compliance with the above requirements must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.</p> <p>Condition reason: Ensure orderly development.</p> | | | | | | | | |
| 38 | <p>Retaining Walls - Along Boundary</p> <p>Prior to issue of a Construction Certificate submitted plans must clearly demonstrate that all retaining walls, including footings and agricultural drainage lines, are located wholly within the property.</p> <p>Note: Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structure. In the event of subsidence or damage to adjoining land, the developer must restore that land to the condition in which it was prior to work being carried out.</p> <p>Condition reason: To ensure that all works are located wholly within the property.</p> | | | | | | | | |
| 39 | <p>Housing and Productivity Contribution</p> <p>The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with (b) below, is required to be made prior to the issue of any Construction Certificate:</p> <p>a)</p> <table border="1"> <thead> <tr> <th>Housing and productivity contribution Amount</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Housing and productivity contribution (base component)</td> <td>\$49,909.57</td> </tr> <tr> <td>Transport project component</td> <td>N/A</td> </tr> <tr> <td>Total housing and productivity contribution</td> <td>\$49,909.57</td> </tr> </tbody> </table> | Housing and productivity contribution Amount | Amount | Housing and productivity contribution (base component) | \$49,909.57 | Transport project component | N/A | Total housing and productivity contribution | \$49,909.57 |
| Housing and productivity contribution Amount | Amount | | | | | | | | |
| Housing and productivity contribution (base component) | \$49,909.57 | | | | | | | | |
| Transport project component | N/A | | | | | | | | |
| Total housing and productivity contribution | \$49,909.57 | | | | | | | | |

| | |
|----|--|
| | <p>b) The amount payable at the time of payment is the amount shown in condition above as the total housing and productivity contribution adjusted by multiplying it by:</p> <p><i>highest PPI number/consent PPI number</i></p> <p>where:</p> <p>highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and June quarter 2023 and PPI have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.</p> <p>If the amount adjusted in accordance with the amount detailed in (b) is less than the amount at the time consent is granted, the higher amount must be paid instead.</p> <p>Condition reason: To comply with legislative requirements and to provide for the increased demand for public infrastructure resulting from the development.</p> |
| 40 | <p>Car Parking and Allocation of Spaces</p> <p>Car parking spaces must be provided in accordance with the approved plans, National Construction Code (Building Code of Australia and AS 2890.6 - 'Parking facilities: Off-street parking for people with disabilities'. The minimum number of spaces provided must be as follows:</p> <p>44 car parking spaces</p> <p>All car parking spaces are to be identified by line-marking and appropriate signposting.</p> <p>Details demonstrating compliance with the above requirements must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.</p> <p>Condition reason: To ensure adequate and accessible on-site car parking is provided for the intended use of the site.</p> |

Before building work commences

| | |
|----|---|
| 41 | <p>Erosion and Sediment Control - Minor Development</p> <p>Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Hawkesbury Council's publication Guidelines for Erosion and Sediment control on a building site (2017).</p> <p>Condition reason: To ensure that construction works are managed so that contaminated runoff, siltation and degradation of waterways does not occur.</p> |
|----|---|

| | |
|----|--|
| 42 | Notice of Commencement |
| | <p>No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:</p> <ul style="list-style-type: none"> a) details of the appointment of a Principal Certifier (PCA) providing name, address and telephone number; and b) details of the name, address and licence details of the Builder. <p>Condition reason: Statutory requirement.</p> |
| 43 | Principal Certifier - Details <p>The applicant must advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 6.6(2) of the Environmental Planning and Assessment Act 1979.</p> <p>Condition reason: Statutory requirement.</p> |
| 44 | Principal Certifier Site Sign <p>A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:</p> <ul style="list-style-type: none"> a) showing the name, address and telephone number of the Principal Certifier for the work; b) showing the name of the principal contractor (if any) for any 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. <p>Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.</p> <p>Condition reason: Statutory requirement.</p> |
| 45 | Site Safety Fencing <p>The site is to be secured by a fence, in accordance with SafeWork NSW requirements, to prevent unauthorised access during the period of all works.</p> <p>Condition reason: To ensure security and public safety.</p> |
| 46 | Survey Certificate - Building to be Verified by a Registered Surveyor <p>In order to ensure compliance with approved plans, a Survey Certificate, prepared by a Registered Surveyor, including locating any easements affecting the subject land, is to be undertaken at the following stages:</p> |

| | |
|----|--|
| | <p>a) a set-out survey prior to the placement of any footings showing the proposed building and its relationship to the boundaries; and/or</p> <p>The progress surveys are to be submitted to the Principal Certifier as soon as practicable after they have been completed.</p> <p>Should a survey reveal any discrepancies between the approved plans and the work as constructed, the Principal Certifier is to be advised and the builder will be responsible for resolving the matter.</p> <p>Condition reason: To ensure the development is being built in accordance with the approved plans.</p> |
| 47 | <p>Sydney Water - Endorsement of Approved Plans</p> <p>The approved plans must be submitted to and endorsed by Sydney Water via the 'Sydney Water Tap-in' website to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.</p> <p>Please refer to Sydney Water's website.</p> <p>Evidence of the building plan approval must be forwarded to the Principal Certifier prior to the commencement of works.</p> <p>Condition reason: To ensure the requirements of Sydney Water have been satisfied.</p> |
| 48 | <p>Toilet Facilities</p> <p>Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.</p> <p>Each toilet must:</p> <ul style="list-style-type: none"> a) be a standard flushing toilet connected to a public sewer; b) be attached to an approved on-site effluent disposal system; c) be a temporary chemical closet that is regularly maintained; and d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet. <p>Condition reason: To ensure that a satisfactory level of amenities are available for construction workers and that they are connected to services or regularly maintained.</p> |
| 49 | <p>Road Opening Permit Required</p> <p>A separate Road Opening Permit under Section 138 of the <i>Roads Act 1993</i> must be obtained from Council, in the case of local or regional roads, or from Transport for NSW, in the case of State Roads, prior to the commencement of any:</p> |

| | |
|--|---|
| | <p>a) excavation or disturbance of a road reserve (including footpath, nature strip or road pavement) to access services including sewer, stormwater drains, water mains, gas mains, telecommunications or for any other purpose; or</p> <p>b) erection of a structure or carry out a work in, on or over a public road; or</p> <p>c) removal or interference with any structure, work or tree on a public road; or</p> <p>d) pumping of water into a public road from any land adjoining the road; or</p> <p>e) connection of a road (whether public or private) to a public road.</p> <p>Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous.</p> <p>All precautions must be taken to protect the public while work is in progress. Traffic control must be undertaken in accordance with Australian Standard AS 1742 - 'Manual Uniform Traffic Control Services - Parts 1, 2 and 3'.</p> <p>Upon completion of the work, the road reserve must be restored to its original state so as to ensure that there are no hazards that may impact on the public.</p> <p>Condition reason: Statutory requirement and to ensure protection of public safety and infrastructure.</p> |
|--|---|

During building work

| | |
|----|--|
| 50 | <p>Approved Construction Hours</p> <p>Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials must be carried out between the following hours:</p> <p>a) between 7am and 6pm, Mondays to Fridays inclusive;</p> <p>b) between 8am and 4pm, Saturdays;</p> <p>c) no work on Sundays and public holidays;</p> <p>d) works may be undertaken outside these hours where:</p> <p>(i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;</p> <p>(ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and</p> <p>(iii) a variation is approved in advance in writing by Council.</p> <p>Condition reason: To protect the amenity of the area.</p> |
|----|--|

| | |
|----|--|
| 51 | <p>Critical Stage Inspections</p> <p>Prior to the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours' notice is required to be provided to allow the Principal Certifier to ensure that the critical stage inspections are undertaken.</p> <p>Note: Critical stage inspections are required to be carried out in accordance with Section 61 of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>.</p> <p>Condition reason: To ensure compliance with statutory requirements.</p> |
| 52 | <p>Erosion and Sediment Control Plan - Implementation</p> <p>Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved Erosion and Sediment Control Plan.</p> <p>Condition reason: To ensure that construction works are managed so that contaminated runoff, siltation and degradation of waterways does not occur.</p> |
| 53 | <p>Inspection and Compliance Certificates - Sewer Works</p> <p>Inspections for sanitary drainage works can only be conducted by Hawkesbury City Council.</p> <p>Inspections must be conducted on the exposed pipes prior to covering. In the case of internal and external drainage, the inspection must be conducted by Hawkesbury City Council's Regulatory Services Branch.</p> <p>To arrange inspections and pay required fees please telephone Customer Service on (02) 4560-4444.</p> <p>Condition reason: To ensure that the sewer works meet the required standards.</p> |
| 54 | <p>Loading and Unloading During Construction</p> <p>The following requirements relating to loading and unloading apply during construction:</p> <ol style="list-style-type: none"> All loading and unloading associated with construction activity must be accommodated on site. If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council. A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities. |

| | |
|----|--|
| | <p>d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.</p> <p>Condition reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.</p> |
| 55 | <p>Overland Stormwater Flow Management</p> <p>The works associated with the development must ensure that:</p> <p>a) all natural water flow from adjoining properties is not impeded or diverted; and</p> <p>b) surface and subsurface water flows are not redirected or concentrated onto adjoining properties.</p> <p>Condition reason: To ensure that existing water flows are not impeded.</p> |
| 56 | <p>Site Management During Construction</p> <p>The following requirements relating to site management apply during and immediately following construction:</p> <p>a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.</p> <p>b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.</p> <p>c) Copies of receipts stating the following must be given to the Principal Certifier:</p> <p>(i) the place to which waste materials were transported;</p> <p>(ii) the name of the contractor transporting the materials; and</p> <p>(iii) the quantity of materials transported off-site and recycled or disposed of.</p> <p>d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.</p> <p>e) During construction:</p> <p>(i) all vehicles entering or leaving the site must have their loads covered;</p> <p>(ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and</p> <p>(iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.</p> <p>f) At the completion of the works, the work site must be left clear of waste and debris.</p> |

| | |
|----|---|
| | <p>Note: In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council must be obtained prior to any closing of the road reserve or footpath area. The closure must take place in accordance with Council's written approval. The area must be signposted and such signposting be maintained in a way that ensures public safety at all times.</p> <p>Condition reason: To ensure that construction works are appropriately managed to protect the environment and maintain public safety.</p> |
| 57 | <p>Topsoil and Material Stockpiles Management</p> <p>During construction the proponent must ensure that the site is maintained in a state that will not cause dust or water pollution as defined by the <i>Protection of the Environment Operations Act 1997</i>. To ensure this:</p> <ul style="list-style-type: none"> a) sediment and erosion control devices must be installed prior to any works being undertaken; b) topsoil must only be stripped from approved areas and must be stockpiled for re-use during site rehabilitation and landscaping; c) stockpiles of topsoil, sand, aggregate, spoil or other material are to be stored within the site only; and d) stockpiles must be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, or roadway. <p>Note: Fines may be applied where pollution is caused by the construction or associated earthworks.</p> <p>Condition reason: To ensure the control of erosion to prevent dust and maintain water quality.</p> |
| 58 | <p>Construction Management Plan – Implementation</p> <p>All aspects of the Construction Management Plan must be implemented and maintained until the completion of works.</p> <p>Condition reason: To ensure that appropriate measures are implemented during all phases of the construction process so that environmental impact is minimised and the ongoing safety, protection of people and structures.</p> |
| 59 | <p>Earthworks - Compaction of Landfill Material</p> <p>All fill including existing fill must be compacted in accordance with a compaction ratio of 98% as specified in Table 5.1 of Australian Standard AS 3798 - 'Guidelines on earthworks for commercial and residential developments'.</p> <p>Condition reason: To ensure compliance with the relevant specifications relating to the execution and control testing of earthworks and associated site preparation works.</p> |
| 60 | <p>Earthworks - General Requirements</p> |

| | |
|----|--|
| | <p>All earthworks being undertaken as part of this approval must comply with the following:</p> <ul style="list-style-type: none"> a) topsoil must be stripped only from approved areas and must be stockpiled for re-use during site rehabilitation and landscaping; b) once the topsoil has been removed the natural batter must be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place; c) filling must comprise either uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material must be provided to the Principal Certifier prior to placing any fill on site or Council Officers upon request; d) a ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination; e) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stonelagging or terracing must be constructed; f) all fill within the site must be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes unless otherwise specified'; and g) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works. <p>Details of all contractors, excavators, and/or truck deliveries must be recorded and provided to Council Officers upon request.</p> <p>Note: ENM is defined by the Excavated Natural Material Exemption - NSW Environment Protection Authority.</p> <p>Condition reason: To ensure that earthworks are carried out in accordance with relevant standards.</p> |
| 61 | <p>Earthworks - Placement of Landfill Material</p> <p>All fill must be placed in accordance with the standards specified in Table 5.1 of Australian Standard AS 3798 - 'Guidelines on earthworks for commercial and residential developments'.</p> <p>Condition reason: To ensure that earthworks are carried out in accordance with relevant standards.</p> |
| 62 | <p>Earthworks - Removal, Management and Transportation of Fill</p> <p>All excavated fill material that is to be removed from the site must only be sent to:</p> |

| | |
|----|--|
| | <p>a) a NSW Environment Protection Authority licensed waste disposal facility. A copy of the receipts from the waste disposal facility must be kept and must be provided to the Principal Certifier prior to the issue of a Final Occupation Certificate, or authorised officer of Council upon request; or</p> <p>b) a site which has a current development consent for the importation of fill material or falls under exempt development provisions.</p> <p>All removed excavated material must be transported and disposed of in accordance with the NSW Environment Protection Authority guidelines applicable at the time of removal.</p> <p>Condition reason: To ensure that fill material is classified and disposed of lawfully.</p> |
| 63 | <p>Earthworks - Staging</p> <p>The landfill must be completed in stages to minimise the area exposed at any one time. Each section of earthworks is to be stabilised by grassing immediately prior to moving onto the next section.</p> <p>Condition reason: To ensure environmental impacts are minimised and the disturbed land stabilised.</p> |
| 64 | <p>Traffic Management – Installation of Devices</p> <p>Traffic Management Devices must be installed and maintained for the duration of the proposed works in compliance with the approved Traffic Management Plan.</p> <p>Condition reason: To ensure the ongoing safety and protection of people.</p> |
| 65 | <p>Approved Colours and Finishes</p> <p>The development must be completed generally in accordance with the approved colours and finishes.</p> <p>Condition reason: To ensure compliance with the approval.</p> |

Before issue of an occupation certificate

| | |
|----|--|
| | <p>66 Car Parking Area - Directional Marking Required</p> <p>The entry/exit points and internal aisle ways associated with the car parking area are to be marked with pavement arrows to direct traffic movements in and out of the site and guide traffic circulation through the car park.</p> <p>Condition reason: To ensure safe and convenient traffic movement to and within the car parking area.</p> |
| 67 | <p>Energy Provider Certificate</p> <p>Documentary evidence from an Energy Provider confirming that satisfactory arrangements have been made to serve the proposed development must be provided to the Principal Certifier prior to</p> |

| | |
|----|---|
| | <p>the issue of the Occupation Certificate.</p> <p>Condition reason: To ensure essential services are available to the property.</p> |
| 68 | <p>Infrastructure Repair at Completion of Works</p> <p>Prior to the issue of any Occupation Certificate:</p> <ul style="list-style-type: none"> a) all works, including a Channelised Right Turn CHR(s) on Greggs Road, in the road reserve must be fully completed; and b) any public infrastructure damaged as a result of the development must be repaired to the satisfaction of Council. <p>Condition reason: To ensure the maintenance of public safety.</p> |
| 69 | <p>Suitability of Glazing - Balustrades</p> <p>Glass balustrades must be designed and installed in accordance with Australian/New Zealand Standard AS/NZS 1170.1 - 'Structural design actions - Permanent, imposed and other actions'.</p> <p>Engineering certification must be provided to the Principal Certifier for glass balustrading used in the development prior to the issue of an Occupation Certificate.</p> <p>Condition reason: To ensure compliance with relevant safety standards.</p> |
| 70 | <p>Suitability of Glazing - Windows and Doors</p> <p>Glazing materials installed in the building must be in accordance with Australian Standards AS 1288 - 'Glass in Buildings - Selection and Installation' and AS 2047 - 'Windows and external glazed doors in buildings', e.g. windows, doors, footlights, balustrades and shower screens.</p> <p>A Certificate of Compliance is required to be provided to the Principal Certifier prior to the issue of an Occupation Certificate.</p> <p>Note: The certificate is required to be signed by the manufacturer and the installer.</p> <p>Condition reason: To ensure compliance with relevant safety standards.</p> |
| 71 | <p>Sydney Water - Section 73 Compliance Certificate</p> <p>A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be provided to the Principal Certifier prior to issue of the Occupation Certificate. For details refer to Sydney Water's website.</p> <p>Condition reason: To ensure the requirements of Sydney Water have been satisfied.</p> |
| 72 | <p>Telecommunications Provider Certificate</p> <p>Documentary evidence from a telecommunications carrier confirming that services are available for the development must be provided to the Principal Certifier prior to issue of the Occupation Certificate.</p> <p>Condition reason: To ensure essential service infrastructure has been provided.</p> |

| | |
|----|--|
| 73 | Acoustic Certification |
| | <p>Prior to the issue of the Occupation Certificate an acoustic consultant must certify that the works have been completed in accordance with the recommendations contained in the approved acoustic report and that the development is capable of operating in accordance with the design criteria.</p> |
| | <p>Condition reason: To minimise the impact of noise associated with the development on the amenity of the surrounding area.</p> |
| 74 | Food Premises – Certification of Fitout |
| | <p>Prior to the issue of any Occupation Certificate, the food premises must be inspected by an appropriately qualified person who must certify that the premises, including the construction and installation of all equipment, fixtures, fittings and finishes therein, complies with the Food Safety Code 3.2.3 and Australian Standard AS 4674 - 'Design, construction and fit-out of food premises'.</p> |
| | <p>Condition reason: To ensure design of the premises meets relevant public health standards.</p> |
| 75 | Food Premises Registration |
| | <p>Prior to the commencement of retail operations the proponent must either:</p> |
| | <ul style="list-style-type: none"> a) register as a food premises with Council; or b) obtain a licence from the NSW Food Authority. |
| | <p>Note: To register as a food premises with Council complete you must submit an Application for Food Premises form and be provided with approval.</p> |
| | <p>Condition reason: To comply with legislative requirements.</p> |
| 76 | Connection to On-Site Waste Management Facility |
| | <p>A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system, is required to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate</p> |
| | <p>Condition reason: To ensure that satisfactory connection to essential services is provided.</p> |
| 77 | On-site Stormwater Detention - Compliance Certification |
| | <p>Upon completion of the on-site stormwater detention system and water quality facilities, certification for each facility from a consulting engineer and a works as executed drawing are to be provided to Council stating that the works are in accordance with or satisfy the design intent of the approved system.</p> |
| | <p>Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.</p> |
| | <p>Condition reason: To ensure that the system satisfies relevant minimum design standards.</p> |
| 78 | On-site Stormwater Detention - Plan of Management |

| | |
|----|---|
| | <p>A Plan of Management for the on-site stormwater detention facilities and water quality facilities must be prepared setting out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection, maintenance requirements and time intervals for such inspection and maintenance.</p> <p>The Plan of Management is to be submitted to and approved by Council prior to the issue of the final Occupation Certificate.</p> <p>Condition reason: To ensure on-going maintenance of on-site detention facilities.</p> |
| 79 | <p>On-site Stormwater Detention - Positive Covenant Required</p> <p>A positive covenant must be created on the title of the land providing the following:</p> <ul style="list-style-type: none"> a) the registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities and water quality facility in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities and water quality facility ; b) the liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings; and c) Council only will be entitled to release or modify the Covenant. <p>The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the final Occupation Certificate.</p> <p>Condition reason: To ensure maintenance of on-site detention facilities.</p> |
| 80 | <p>Visitor Car Parking - Sign to be Provided</p> <p>A sign must be installed within the site adjacent to the driveway entrance advising of the location of visitor car parking.</p> <p>Condition reason: To reduce on-street car parking demand.</p> |
| 81 | <p>Works as Executed Drawings Required</p> <p>Works-As-Executed drawings are to be submitted to Certifier and Council detailing the following information:</p> <ul style="list-style-type: none"> a) all road and drainage works within Council land, road reserve and drainage easements including connection into the subject lot/s, surface and invert levels of all pits, invert levels and sizes of all pipelines; b) the extent, depth and final levels of filling |

| | |
|----|---|
| | <ul style="list-style-type: none"> c) the location of all underground service conduits; d) levels of surrounding kerb; e) floor levels of buildings; f) top of kerb levels at the front of the lot; and g) extent of inundation. |
| | <p>Condition reason: To ensure compliance with the approval.</p> |
| 82 | <p>Landscaping Works to be Completed</p> <p>All landscaping works approved under this consent are to be completed prior to the issue of a Final Occupation Certificate.</p> <p>Condition reason: To ensure implementation of appropriate landscaping.</p> |
| | <p>Occupation and ongoing use</p> |
| 83 | <p>Annual Fire Safety Statement</p> <p>The owner of the building is responsible for the lodgement with Council of an Annual Fire Safety Statement from a competent person so as to confirm the essential fire safety measures required to be provided in the building exist and are being maintained. The Annual Fire Safety Statement must be issued within 12 months of the issue of the Final Fire Safety Certificate, and then on an annual basis thereafter.</p> <p>A copy of the Fire Safety Statement obtained and Fire Safety Schedule must also be:</p> <ul style="list-style-type: none"> a) forwarded to the Commissioner of Fire and Rescue New South Wales by email to afss@fire.nsw.gov.au; and b) prominently displayed in the building. <p>Condition reason: To ensure compliance with legislative requirements so that occupants of a building are protected in the event of a fire.</p> |
| 84 | <p>Acoustic Validation Assessment</p> <p>Within six months of full operation of the approved use an acoustic report from a suitably qualified acoustic consultant is to be prepared demonstrating that the development satisfies the relevant noise criteria / the restriction criteria contained in the acoustic report prepared by Day Design Pty Ltd dated 9 December 2024</p> <p>A copy of this acoustic report must be provided to Council for consideration having regard to compliance with the specified noise criterion. Should noise levels exceed this requirement, appropriate mitigation measures are to be installed to meet the relevant noise criteria.</p> <p>Condition reason: To ensure that the maximum noise generation associated with the operation of the premises does not exceed anticipated levels and any additional measures required to achieve</p> |

| | | | | | | | |
|------------------------|---|-------------------|-----------------|----------|--------|------------------------|--------|
| | compliance. | | | | | | |
| 85 | <p>Control of Noise - Commercial and Industrial Premises</p> <p>The emission of noise associated with the operation of any mechanical plant and equipment shall comply with the following criteria:</p> <p>a) The LAeq (15 minute) noise level emitted from the use must not exceed the background noise level LA90 (15 minute) by more than 5dB when assessed at the boundary of any affected residence;</p> <p>b) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise;</p> <p>c) The LAeq (15 minute) noise level shall be adjusted to account for any applicable corrections for annoying noise characteristics in accordance with the NSW EPA Noise Policy for Industry.</p> <p>Alternatively, compliance may be demonstrated through any appropriate method detailed in EPA Noise Policy for Industry. Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NSW EPA Noise policy for Industry, unless agreed in writing by the Manager Regulatory Services.</p> <p>Condition reason: To control the emission of offensive noise and protect the amenity of the area.</p> | | | | | | |
| 86 | <p>Noise Generating Premises - Acoustic Management</p> <p>The recommendations contained in the acoustic report prepared by Day Design Pty Ltd dated 9 December 2024 must be implemented during the operational phase of the development.</p> <p>Condition reason: To protect the amenity of the area.</p> | | | | | | |
| 87 | <p>Approved Hours of Operation</p> <p>The premises must operate or trade only between the following hours:</p> <table border="1"> <tr> <td>Mondays to Friday</td> <td>6:00am - 6:00pm</td> </tr> <tr> <td>Saturday</td> <td>closed</td> </tr> <tr> <td>Sunday/Public Holidays</td> <td>closed</td> </tr> </table> <p>Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.</p> <p>Condition reason: To minimise the impact on the amenity of the area.</p> | Mondays to Friday | 6:00am - 6:00pm | Saturday | closed | Sunday/Public Holidays | closed |
| Mondays to Friday | 6:00am - 6:00pm | | | | | | |
| Saturday | closed | | | | | | |
| Sunday/Public Holidays | closed | | | | | | |
| 88 | Centre-Based Child Care Facility - Maximum Operating Capacity | | | | | | |

| | |
|----|---|
| | <p>Approval is given for use as a Centre-Based Child Care Facility with a maximum capacity of 80 children.</p> <p>A service approval is required to be obtained from the NSW Department of Education before the commencement of the use of the Centre-Based Child Care Facility.</p> <p>Condition reason: To comply with the approval and legislative requirements.</p> |
| 89 | <p>External Lighting - Control of Nuisance</p> <p>All external lighting associated with the development shall be managed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadways. Lighting installations shall comply with Australian Standard AS 4282 - 'Control of the obtrusive effects of outdoor lighting'.</p> <p>No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.</p> <p>Condition reason: To ensure that glare impact is minimised.</p> |
| 90 | <p>Landscaping - Maintenance</p> <p>During the occupation and ongoing use of the development, all trees and plants forming part of the approved landscape design must be maintained on an ongoing basis.</p> <p>Note: Maintenance actions include watering, weeding, fertilising, pest and disease control and any other activity required to maintain healthy trees, plants and turfed areas.</p> <p>Any damaged or dead plants must be replaced.</p> <p>Condition reason: To ensure implementation of appropriate landscaping and tree replenishment.</p> |
| 91 | <p>Limitation of Use of Outbuildings</p> <p>The outbuilding must only be used for the storage of possessions of the owners/occupiers of the land.</p> <p>Note: Outbuildings are ancillary to a dwelling house and are associated with the domestic use of the land.</p> <p>Condition reason: To ensure compliance with the consent.</p> |
| 92 | <p>Neighbourhood Amenity - Patron Management</p> <p>The management must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner.</p> <p>Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.</p> <p>Condition reason: To protect the amenity of the area.</p> |

| | |
|----|--|
| 93 | Plan of Management and Incident Register |
| | <p>a) The approved use of the premises must always be operated in accordance with the Plan of Management approved with this consent.</p> <p>b) The Plan of Management is to include the recommendations of the acoustic report within Condition 1 of this consent.</p> <p>c) A copy of the approved Plan of Management and this development consent must be kept on site and made available to any Council or Police officer upon request.</p> <p>d) Access to the Incident Register and register of complaints must be made available for viewing on the request of Council officers and/or the Police.</p> <p>e) The licensee must sign the Plan of Management and must ensure compliance with all operational strategies identified in the plan at all times.</p> |
| | Condition reason: To minimise the impact on the amenity of the area. |
| 94 | Waste Storage and Management |
| | <p>During the occupation and ongoing use of the development waste is to be stored in the approved waste storage area and waste containers must:</p> <p>a) remain closed;</p> <p>b) be maintained so that they do not cause offensive odour and attract vermin;</p> <p>c) be sealed to prevent leakage; and</p> <p>d) be washed on-site where there is a dedicated bin-washing area which drains to the sewer or to an area that does drain directly to the stormwater system.</p> |
| | Condition reason: To ensure the provision of suitable storage facilities and appropriate management of waste. |
| 95 | No Onstreet Parking |
| | <p>Onstreet parking in relation to the childcare centre is not allowed with this consent.</p> |
| | Condition reason: Ensure orderly development. |