

Our Reference:
Contact:
Phone:

2018/283
Ms O Yana
8757 9544

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION**

27 March 2019

Baini Design
PO Box 2402
NORTH PARRAMATTA NSW 1750

Dear Sir/Madam

Pursuant to Section 4.16 of the Act, Council has granted conditional approval to your Development Application described as follows:

PROPERTY: Lot: 2 DP: 35155

STREET ADDRESS: 22 Austral Avenue WESTMEAD

DEVELOPMENT CONSENT NO: 2018/283/1

DECISION: Cumberland Local Planning Panel

DATE OF EXPIRY OF CONSENT: 27 March 2024

PROPOSED DEVELOPMENT: Demolition of existing structures and construction of a two storey, 38 place child care centre over basement parking accommodating 16 parking spaces

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Cumberland Council, the Building Code of Australia, the Local Government Act 1993, and the following conditions as set out hereunder and/or endorsed upon the attached plans.

PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced by the date of expiry shown on the front page of this Consent.
2. Development shall take place in accordance with the following endorsed plans and documents:
 - Architectural Plans prepared by Baini Design, Job No. 18102, Drawing No. 02, 03, 05, 06, 07, 08, 09, 12 and 17, Rev B, dated 5 February 2019 – as amended to satisfy Conditions 14 and 15;
 - Stormwater Management Plans prepared by Australian Consulting Engineers Pty Ltd, Job No. 180371, Drawing No. 000, 101, 102, 103, 104, 105, 106, 107, and 108, Issue B, dated 8 February 2019 (OSD Plan No.2018-178);
 - Landscape plan prepared by Outside in Design Group Pty Ltd, Drawing No L-01, Rev B, dated 19 February 2019;
 - Evacuation Plan prepared by Baini Design, submitted to Council on 10 August 2018; and
 - Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180121R2, Revision 1, dated 7 February 2019;
 - Noise Management plan prepared by Rodney Stevens Acoustics, Reference R180121NMP2, Revision 1, dated 1 March 2019 – as amended to satisfy Condition 15;
 - Arboricultural Assessment and Tree Management Plan prepared by Horticultural Management Services, dated 24 July 2018; and
 - Waste management plan prepared by Loka Consulting Engineers Pty Ltd, Job No. 18NL060-WMP1, dated 7 August 2018.

except as otherwise provided by the conditions of this determination and/or amended in red.

3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

Appointment of Council or a Private Certifier as the Principal Certifying Authority (PCA)

4. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 109E of the Act.

Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.

Note: Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of Department of Planning & Infrastructure.

5. The applicant shall consult with, as required:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) A local telecommunications carrierregarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).
6. The proposed structure/s are to be located clear of existing Council easements. Special footings will be required where the proposed/existing structures are adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary.
The footing system is to be designed by a practising professional structural engineer.
7. Building materials, builders sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

Child Care Centres

8. An approval shall be obtained from Department of Education and Communities (DEC) prior to commencement of operations. The number of children cared for in the new centre shall not exceed **38** aged up to 5 years.
9. Compliance with the Education and Care Services National Regulations is required.

N.B. The subject Development Consent issued by Council does not imply or otherwise verify compliance with the Regulation.

Demolition

10. In the event that demolition is to occur prior to the issue/release of a Construction Certificate, all relevant fees and bonds such as the demolition inspection fee, kerb & gutter and tree protection bonds shall be paid in full to Council prior to demolition commencing (as per the relevant conditions elsewhere in this Development Consent). Furthermore, the applicant/developer is to ensure that all relevant conditions in this Development Consent relating to the protection of the site, adjoining lands and trees are adhered to in full prior to commencement of any demolition works.

11. Permission is granted for the nominated demolition works on the property, subject to strict compliance with the following:-
- a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - *Demolition of Structures*. **Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications. a) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.
 - b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Cumberland Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
 - c) On the first day of demolition, work is not to commence until Cumberland Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.
 - d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 8757 9000. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
 - e) Demolition shall not commence until all trees required to be retained/transplanted are protected in accordance with those conditions stipulated under "Prior to Works Commencing" in this Consent.
 - f) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
 - g) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" **and** a current WorkCover "Class 2 (Restricted) Asbestos Licence".
 - h) Demolition is to be completed within 5 days of commencement.

- i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- j) Protective fencing is to be installed to prevent public access to the site.
- k) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Office of Environment and Heritage (OEH).
- l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees' toilet service during demolition operations.
- m) After completion, the applicant shall notify Cumberland Council within 7 days to assess the site and ensure compliance with AS2601-2001 – *Demolition of Structures*.

NOTE: The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9995 5000 or Council's Waste Officer on (02) 8757 9000 to determine the location of a tip licensed to receive asbestos. Within fourteen (14) days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

- n) Within 14 days of completion of demolition, the applicant shall submit to Council:
 - i) An asbestos clearance certificate carried out by a licensed asbestos assessor (normally a NATA accredited occupational hygienist), or a person who has the knowledge and skills to be a licensed assessor, regardless of whether or not they are licensed; and
 - ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent under DCP 2013 Part A, Section 11.0. **In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials;** and

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under 'Facilities and Labs' click on 'Facilities List by Field', then click on 'Chemical Testing', then click on 'Asbestos' and finally click on 'identification'. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

- 12. Payment of **\$470.00** fee for inspection by Council of the demolition site prior to commencement of any demolition works.

Signage

- 13. No approval is granted or implied for the installation of signage in association with the proposed use. Separate Consent is required.

NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS "FEES AND CHARGES" AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.

PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE/PRELIMINARY CONDITIONS FOR DEMOLITION

The following conditions must be complied with prior to the issue of a Construction Certificate, or where relevant prior to demolition occurring. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:

Amended Plans

14. Amended plans shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate addressing the following issues:
 - a) A 1.8m high acoustic fence as measured from the finished floor level of the outdoor play area shall be constructed entirely within the subject property.
 - b) All boundary fence on top of retaining wall with the fence height exceeding 2.4m as measured from the lower adjacent ground level, shall be constructed of lattice type of materials in its place.
 - c) At least 11 on site car parking spaces are to be allocated to the staff/employees.
15. Prior to the issue of a construction certificate, amended plans/documents are to be submitted to Council's Manager of Development Assessment to address the following:
 - a) A soil assessment for the site of the proposed education and care service premises shall be undertaken by an appropriately qualified consultant as required by the Child Care Planning Guideline issued by NSW Department of Planning and Environment.
 - b) The aisle width between proposed disabled space and parking space no. 12 shall be widened to 6.3m in accordance with Australian Standard 2890.1-2004. (refer to mark-up on plan).
 - c) Noise Management plan prepared by Rodney Stevens Acoustics, Reference R180121NMP2, Revision 1, dated 1 March 2019 shall be reviewed and updated to reference the endorsed Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180121R2, Revision 1, dated 7 February 2019.

Payment of Bonds, Fees and Long Service Levy

16. The Principal Certifying Authority is to ensure and obtain written proof that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes all Long Service Levy payments to be made to the Long Service Payments Corporation.

Damage Deposit

17. A cash bond/bank guarantee of **\$2,780.00** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the

completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

Note:- The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property, unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

Consistency with Endorsed Development Consent Plans

18. The Principal Certifying Authority must ensure that any certified plans forming part of the Construction Certificate, are in accordance with the Development Consent plans.

Landscape Inspection Fee

19. Payment of a **\$372.00** fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

Engineering Fees and Bonds

20. Payment of a **\$609.00** fee for the inspection by Council of the stormwater drainage and Onsite Stormwater Detention System at the key stages, where Council is the Principal Certifying Authority.
21. Payment of a **\$852.00** fee for the inspection by Council of the stormwater drainage construction in the road reserve at the key stages.
22. The applicant shall lodge with Council a **\$1,500** cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
23. The applicant shall lodge with Council a **\$1,500** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
24. The applicant shall lodge with Council a **\$6,135** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System and overland flowpath. This bond is refundable upon the submission of proof of

registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.

25. The applicant shall lodge with Council a **\$3,000** cash bond or bank guarantee to cover the satisfactory construction and/or reconstruction of Council's gully pit/s and associated works along all areas of the site fronting Austral Avenue, Westmead. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
26. The applicant shall lodge with Council a **\$1,000** cash bond/bank guarantee to cover the satisfactory completion of the work and restoration of Council's property. In this regard, the bond shall be held for two (2) months following completion of the works to allow for settlement of the trench and turf regeneration.

Construction and Traffic Management Plan

27. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$428.00** fee for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.
28. The applicant shall also provide a Construction and Traffic Management Plan, prepared by a suitably qualified consultant and submitted to Council for approval. The following matters must be specifically addressed in the Plan:
 - i. A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
 - b) Signage type and location to manage pedestrians in the vicinity;
 - c) The locations of any proposed Work Zones in the frontage roadways – note: Work Zone fees apply in accordance with Council's Fees and Charges;
 - d) Locations and type of any hoardings proposed along all street frontages;
 - e) Area of site sheds and the like;
 - f) Location of any proposed crane standing areas;
 - g) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - h) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
 - ii. A Traffic Control Plan for the site must be prepared for approval by Council incorporating the following: -

- a) Traffic control devices proposed in the road reserve must in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so with appropriate qualification. The main stages of the development requiring specific construction management measures shall be identified and specific traffic control measures identified for each.
- b) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing: -
 - Light traffic roads and those subject to a load or height limit must be avoided at all times; and
 - A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
- c) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial Road.
- d) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements;

Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.

- iii. Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- iv. Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- v. Dependent on the circumstances of the site, Council may request additional information to that detailed above.
- vi. Subject to an application for the occupation of public roadway or footway (Section 138, Local government Act 1993), and covered by a minimum Public Liability cover of \$20,000,000. Cumberland Council shall be named on the certificate of currency as an interested party.

Sight Distance

29. To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a maximum height of 1.0 m and 50% transparent above a height of 0.5m. All solid posts higher than 0.5m (but lower than 1m) shall have a maximum width 350mm and a minimum spacing of 1.2m.

On-site detention

30. The development has been identified as requiring an on-site storm water detention (OSD) system which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, OSD plan number 2018-178 and council's on-site detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The system shall generally be in accordance with the stamped approved drawings however the following shall also be addressed:
- i. The Plan and Sections of the OSDs as shown in Sheet No 103 and 104 doesn't correspond. A revised plan rectifying the issue shall be submitted to Council.
 - ii. All pipe sizes and grades shall be annotated on the plan.
 - iii. Amendments in red on the stormwater plans.

Required Submissions to Certifying Authority

31. If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
32. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
33. Retaining walls greater than 1.0m above finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.
34. Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.
35. Details for compliance with the Disability (Access to Premises - Buildings) Standards 2010 are required to be submitted to the Principal Certifying Authority with the Construction Certificate application.
36. An emergency evacuation plan shall be submitted to the Principal Certifying Authority with the Construction Certificate application.
37. The colour and finishes of the proposed driveway shall be constructed in accordance with Section 2, Part I of Holroyd Development Control Plan 2013 Part I.2.
38. Any required adjustment to utility services, trees, signs and other street furniture requires approval of the appropriate authority shall be undertaken by the applicant. All cost

associated with the proposed works shall be borne from the applicant and at no cost to Council.

39. Any works requiring closure of any road or footway closure will require submission of a Council's Temporary Road Closure application form and payment of fees.
40. Signs and line marking plans for the car parking area (e.g. parking spaces, internal arrows, Give-way signs, pedestrian crossing/walkways etc.) shall be prepared prior to the issue of Construction Certificate and to be in accordance with AS 2890.1-2004, AS 2890.6-2009 and the endorsed plans.

Acoustic

41. All recommendations contained in the Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180121R2, Revision 1, dated 7 February 2019 shall be adopted, implemented, and adhered to.

Salinity

42. The site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all buildings. Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

Note: Further information for building in a saline environment is available in the following documents:

- "Building in Saline Environment" prepared by DIPNR 2003.
- Water Sensitive Urban Design in the Sydney Regions "Practice Note 12: Urban Salinity"
- Wagga Wagga City Council's "Urban Salinity Action" October 1999
- "Guide to Residential Slabs and Footings in Saline Environments" prepared by Cement Concrete and Aggregates Australia, May 2005

Sydney Water

43. A building plan approval must be obtained from Sydney Water Tap In™ to ensure the development will not affect any sewer, water or stormwater mains or easements.

A copy of the building plan approval receipt from Sydney Water must be submitted to the certifying authority, prior to the issue of a construction certificate.

Please go to sydneywater.com.au/tapin to apply.

Fire Safety Upgrading & Essential Services

44. The Construction Certificate is to include a schedule specifying all of the essential fire or other safety measures that are required for the building or premises to ensure the safety of persons in the building in the event of fire.

External Walls and Cladding Flammability

45. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate, the Certifying Authority and Principal Certifying Authority must:
- a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Air Conditioning

46. Details and specifications for the mechanical ventilation system complying with the Australian Standard are to be submitted and approved by Council.

PRIOR TO DEMOLITION / WORKS COMMENCING

The following conditions are to be complied with prior to demolition / any works commencing on the site:

Appointment of Principal Certifying Authority and Notification of Commencement of Work

47. The person having the benefit of the development consent, not the principal contractor (builder), must: -
- a) Appoint a Principal Certifying Authority in accordance with Section 6.6 of the Act.
 - b) Have the Principal Certifying Authority complete the 'Accredited Certifier Details' on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
 - c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

If nominated, Council can provide this service for you and act as the Principal Certifying Authority.

N.B. The Principal Certifying Authority must also notify the person having the benefit of the Development Consent of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work such notification must comply with Clause 103A of the Regulations.

Notification of Principal Contractor (Builder)/Owner-Builder

48. The person having the benefit of the Development Consent must:-
- a) Notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;
- OR
- b) Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.
 - c) Notify the Principal Certifying Authority of any such appointment.

Where Council is the Principal Certifying Authority, such notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

Required Submissions to Council or the Principal Certifying Authority

49. To facilitate a complete assessment and enable the Certifying Authority to check compliance on site, truss validation and design, details certified by a qualified practising structural engineer shall be submitted to Council or the Principal Certifying Authority for examination and approval. Details shall include:
- a) job address and builder's name
 - b) design wind velocity
 - c) terrain category
 - d) truss spacing
 - e) roof pitch
 - f) material of roof
 - g) roof batten/purlin spacing
 - h) material of ceiling
 - i) job number

Photographic Record of Council Property – Damage Deposit

50. The applicant shall submit to Council, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full and satisfactory photographic record of the condition of Council's property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site. The purpose of the photographic record is to establish any pre-existing damage to Council's property to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage is caused during the course of construction, the Council may require either part or full re-instatement.

Note: Failure to provide a full and satisfactory photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

Notification to Relevant Public Authority

51. The applicant shall ensure that relevant public utility authorities are made aware of the salinity problems that have been identified within the subject site by the Department of Land and Water Conservation, such that their services are designed to take into consideration the effects the saline soils may have on their installations.

Fencing of Sites

52. Fencing of sites is required to prevent public access when the site is unoccupied and building works are not in progress. In this regard the MINIMUM acceptable standard of fencing to the site is properly constructed chain wire fencing 1.8m high, clad internally with Hessian or Geotextile fabric. All openings are to be provided with gates, such gates are not at any time to swing out from the site or obstruct the footpath or roadway.

Signs to be Erected on Sites

53. 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:
- a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - 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 at any time for business purposes**, and
 - c) stating that unauthorised entry to the work site is prohibited.

The sign must be rigid and durable and be read easily by anyone in any public road or other public place adjacent to the site.

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.

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Note: Principal Certifying Authorities and Principal Contractors must also ensure that signs required by this clause are erected and maintained (clause 227A of the Regulations currently imposes a maximum penalty of \$1,100).

Prohibited Signage

54. Advertising, Real Estate Agents, Architects, Designers, site suppliers and any other signage not mentioned in the conditions, is not to be placed or displayed on the site, such that the signage is visible from any public place. Offenders may be prosecuted.

Protection of Public Places

55. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.

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

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Site Control Measures

56. Suitable erosion and sediment control measures shall be provided at all vehicular entry/exit points and all other measures required with and/or shown on plans accompanying the Construction Certificate, to control soil erosion and sedimentation, are to be in place prior to the commencement of construction works. Such controls are to be provided in accordance with Holroyd City Council's "Erosion & Sediment Control Policy."

Note: On-the-spot fines may be issued by council where measures are absent or inadequate.

Footpaving, Kerbing and Guttering

57. Protection must be provided for Council footpaving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.
58. Finished street levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department for street levels.

Support for Neighbouring Buildings

59. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including a public road and any other public place), the person causing the excavation to be made:-
- a) must preserve and protect the building from damage, and
 - b) if necessary, must underpin and support the building in an approved manner, and
 - c) must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected or demolished.
- The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (In this clause, *allotment of land* includes a public road and any other public place).
60. A dilapidation report of adjoining properties/allotments and details of the proposed excavation works in excess of 2m or within the zone of influence of neighbouring building foundations and required underpinning and supportive measures shall be submitted to the Principal Certifying Authority. Any required underpinning and supportive measures shall be designed by a practising structural engineer and details shall be submitted to the Principal Certifying Authority for approval prior to construction works commencing.

Toilet Facilities

61. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- Each toilet provided:
- a) Must be a standard flushing toilet, and
 - b) Must be connected:

- i) To a public sewer,
- ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
- iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

Roadworks

- 62. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the applicant shall pay Council a relevant fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (eg. telephone, electricity, sewer, water or gas) required within the road reserve.
- 63. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

Works Within Council's Reserve

- 64. All works within the Council reserve shall be completed within three (3) weeks of the date of commencement. Council's Development Engineer shall be advised prior to the commencement of works.
- 65. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
- 66. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$20,000,000 is to be submitted prior to commencement of works. Council shall be named on the Certificate of Currency as an interested party.

DURING DEMOLITION/ CONSTRUCTION

The following conditions are applicable during demolition/construction:-

Endorsed Plans & Specifications

67. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and approved Traffic Management Plan are to be retained on site at all times.

Hours of Work & Display of Council Supplied Sign

68. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited. **Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.**

The yellow "Hours of Building Work" sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

Site Control

69. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works and are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.
70. Builder's refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.
71. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Asbestos Cement Sheeting

72. i) All asbestos cement sheeting must be removed by contractors with an appropriate licence issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:-
- (a) Recladding or brick veneering of any building where the existing walls to be covered are currently clad with asbestos cement;

OR

- (b) Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.

Removal must be carried out strictly in accordance with WorkCover's "Your Guide to Working with Asbestos" (copy attached).

- ii) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Office of Environment and Heritage (OEH).

Note: The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9995 5000 or Council's Waste Officer on (02) 8757 9000 to determine the location of a tip licensed to receive asbestos. **Upon completion of tipping operations the applicant shall lodge with the Council, all receipts issued by the receiving tip as evidence of proper disposal.**

- iii) Within fourteen (14) days of completion of renovation or recladding or brick veneering works where asbestos cement sheeting was removed, the applicant shall submit to Council an asbestos clearance certificate prepared by a NATA accredited occupational hygienist.

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under 'Find a Facility or Lab' type in 'asbestos identification' in 'keywords' then click on 'chemical testing' in NSW then click on the search button. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

Waste Management Plan

- 73. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
- 74. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Principal Certifying Authority verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Principal Certifying Authority shall submit a copy of the statement to Council.
In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

Compliance with Critical Stage Inspections and other Inspections nominated by the Principal Certifying Authority

- 75. Section 6.5 of the Act requires certain specific inspections (prescribed by clause 162A of the Regulations) and known as 'Critical Stage Inspections' to be carried out for building work. Prior to permitting commencement of the work your Principal Certifying Authority is required to give notice of these inspections pursuant to clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

Construction

76. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has been supplied with a check survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels (FFL)s and setbacks to boundary/ies. **The slab shall not be poured, nor works continue, until the Principal Certifying Authority has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.**

In the event that Council is not the Principal Certifying Authority, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the Principal Certifying Authority has issued a Certificate stating that the Condition of approval has been complied with and that the slab has been poured at the approved levels.

Salinity

77. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has confirmed that all required construction measures addressing salinity, as required by this Consent and its accompanying Construction Certificate have been carried out.

Landscaping/Site Works

78. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
79. In accordance with the Acoustic Impact Assessment prepared by Reference R180121R2, Revision 1, dated 7 February 2019, the fencing/barrier along proposed external play area shall be constructed to height of 1.8 metres from the finished floor level. The barrier(s) should be of solid continuous construction (i.e. free of gaps) and of masonry or SlimWall type construction at full cost to the developer.

In all other instances, new 1.8m high lapped and capped timber paling or colorbond fences (colour to be sympathetic with the development) determined in consultation with adjoining property owner(s), are to be erected along and within all side and rear boundaries and between courtyards at full cost to the developer, such fencing to be constructed on or within the property boundary.

In situations where the boundary fence is proposed on top of a retaining wall, the height of the fence (including lattice screen where applicable) shall not exceed a maximum of 2.4m as measured from the lower adjacent ground level. A Statutory Declaration or other documentary evidence of such consultation is to be submitted to the Principal Certifying Authority. Details shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Tree Protection

80. Branches of trees to be retained/transplanted within 1m of the approved building, may be pruned by an Arborist qualified to at least Australian Qualification Framework (AQF) Certificate Level 3 in accordance with Australian Standard AS4373-1996 'Pruning of Amenity Trees' to enable demolition/construction works to occur.

Note: Any other pruning works not authorised by this Consent are subject to the approval of an application for General Tree Works activities.

81. The use of a suitable Root barrier material to a minimum depth of 500mm is recommended and should be used along all infrastructure such as driveways, building footings, stormwater pipes/pits, paths and walls near where 75L container stock trees are planted in order to direct their roots away. This must be annotated accordingly on the Landscape Plan.

Stormwater Drainage works

82. The stormwater drainage works within the Road Reserve shall be inspected during construction by the Council. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
- i. Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the Stormwater pits.
 - ii. Prior to placing of concrete for the proposed Council grated gully pit.
 - iii. Upon compaction and watering of the sand backfill material to 400mm below the finished road pavement level.
 - iv. Upon compaction of the lower layer of 150mm thick road base.
 - v. Upon compaction of the upper layer of 150mm thick road base.
 - vi. Upon final compaction of the 100mm thick AC10 hotmix and bitumen joint seal with the existing road pavement.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Note: A private certifier or the PCA cannot be engaged to do this inspection.

83. All roof gutters and downpipes shall be designed for 1% AEP, 5 minute duration storm.
84. The invert level of the proposed new kerb inlet pit shall be measured and shown on the plan.

Inspection of On Site Detention Works

85. The stormwater drainage works are to be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
 - a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of construction of the detention basin/tank.
 - b) Prior to landscaping of detention basin or pouring of the roof of the detention tank.
 - c) After completion of storage but prior to installation of fittings (e.g. orifice plates, screens, flap valves etc.)
 - d) Final Inspection

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Road Works and Footpaving

86. Pedestrian access, including disabled and pram access, is to be maintained as per Australian Standard AS1742.3 "Part 3 – Traffic Control Devices for Works on Roads".
87. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

Child Care Centre Kitchen

88. The premises are to be constructed and fitted out strictly in accordance with the Australian/New Zealand Food Safety Standards Code 3.2.3 'Food Premises and Equipment' and Australian Standard 4674.2004 Design, Construction & Fit Out of Food Premises.

Underground Power Connection

89. Where electricity reticulation cannot be obtained directly from the street, power connection is to be underground. No intermediate power pole is permitted.

Alarms

90. With regard to basement level pump out system, a warning system shall be provided to alert occupants of the building that a basement stormwater pump out failure has occurred, which could cause flooding. As a minimum, the system shall include:
- a flashing light with warning sign at each pedestrian and vehicular entrance into the basement from outside the building; and
 - a warning system, such as an audible alarm with flashing light and warning sign installed within a common area or areas of the building, such as the ground floor lobby.

Note: Any audible alarms shall be installed within the building.

Basement Parking

91. A convex mirror is to be provided so that drivers can see up the driveway from within the basement.
92. An intercom device is to be located:
- i) on the driver's side wall at the top of the driveway to the basement carpark, so that visitors can access the carparking spaces; and
 - ii) within the basement foyer so that disabled persons can contact any unit if the lift is not working.
93. Details of any control device for the roller gates (if proposed) shall be shown on the plans. The control device shall not reduce the width of the access driveway/ramp (i.e. maintain compliance with AS2890.1-2004) and shall not impact on the flow of traffic and road safety.

Vehicle Cleansing

94. Concrete trucks and trucks used for the transportation of building materials shall not traffic soil, cement or similar materials onto the road. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash water is prevented from entering the stormwater system or adjoining property.

Importation of Fill

95. All imported fill shall be validated in accordance with Council's Contaminated Land Policy to ensure that it is suitable for the proposed land use from a contamination perspective.

Additional Information during Construction

96. Any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council immediately.

Fitout of Food Preparation Area

97. A rigid smooth faced impervious ceiling shall be provided over the food preparation, cooking and serving areas. The surface finish shall be free of open joints, cracks, crevices or openings with the intersection of the walls and ceiling being tight jointed, sealed and dustproof.
98. The ceiling shall be painted with a light coloured washable paint.
99. All fluorescent light fittings shall be fitted with a smooth faced diffuser. The light fitting shall be either recessed so that the diffuser is flush with the ceiling, or designed to ensure that no horizontal surface exists which would allow dust and grease to accumulate.
100. Coving is to be provided between all walls and the floor and between the floor and all fittings. This can be achieved by coving tiles, cement render, or by turning vinyl flooring up the walls. In this case a fillet or backing piece is required to support the cove.
101. The floor shall be constructed of a material which is impervious to water, non slip and graded and drained to the floor waste.
102. The walls of food preparation areas to be tiled with close-jointed, glazed tiles of a light colour to a height of 2 metres.
103. The walls of the food preparation areas to be tiled with close-jointed, glazed tiles of a light colour to a height of 450mm above all sinks, tubs, draining boards, wash hand basins and preparation benches.
104. The walls of the food preparation areas to be tiled with close-jointed, glazed tiles of a light colour from the floor to the underside of the exhaust hood.
105. All walls where not tiled shall be cement rendered to a smooth even surface and painted with a light coloured washable paint.
106. Refrigeration, frozen food cabinets, cooking appliances, equipment, fittings, cupboards, and cabinets are to be supported on one of the following systems:-
 - Wheels or casters which allow the fully loaded fitting to be easily moved
 - Legs which provide a minimum 150mm clearance from the floor to the underside of the fitting.
107. All shelving being installed on approved metal brackets and kept at least 25mm clear of wall.
108. Food preparation benches shall be constructed of stainless steel.
109. The top and exposed edges of all benches, counters and shelving shall be finished in a smooth and non absorbent material free of joints.
110. All service pipes and electrical conduits shall be concealed within the floors, plinths, walls or ceilings.

111. All service pipes and electrical conduits which are not capable of being concealed within the walls shall be mounted on brackets so as to provide at least 25mm clearance between the pipe and adjacent (wall) vertical surface and 100mm between the pipe and adjacent (floor) horizontal surface.
112. A freestanding hand wash basin is to be provided in an approved position in the kitchen/food preparation area, which provides a supply of warm water (minimum 40°C) through a single spout. The hand wash basin shall facilitate hands free operation (should a mixer tap be used for this purpose it shall have an extended handle of not less than 250mm in length), and shall be provided with a mounted liquid soap and paper towel dispenser adjacent to the basin.
113. All openings in the walls, floors and ceiling and all external doors and windows must be vermin proof.
114. All windows and doors to the external air are to be provided with fly screens.
115. All doors be rendered vermin proof by installing a metal strip 150mm wide at the bottom of the door on both sides of the door.
116. A kitchen exhaust hood is to be provided above all appliances of heating capacity greater than 8KW in accordance with AS 1668 Part 2. A test certificate shall be submitted to the Principal Certifying Authority with application for an Occupation Certificate.

General

117. The recommendations of the Acoustic Impact Assessment prepared by Reference R180121R2, Revision 1, dated 7 February 2019; shall be implemented.

PRIOR TO ISSUE OF FINAL OCCUPATION CERTIFICATE

The following conditions are to be complied with prior to the issue of a final occupation certificate:-

Certificates/Documentary Evidence

118. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
119. A Section 73 Certificate (Sydney Water) must be submitted to the Principal Certifying Authority prior to occupation of the development.
120. A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifying Authority and shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant SAA Codes.

Note: Any such certificate is to set forth the extent to which the engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction.

Playground Equipment Certification

121. Certification is to be provided to the Principal Certifying Authority (PCA) from the installer of the playground equipment that the equipment has been constructed and installed in accordance with the relevant Australian Standards. If Council is not the PCA, a copy of this certification is to be provided to Council with the Occupation Certificate.

Landscaping/Tree Protection

122. Certification is to be provided to the Principal Certifying Authority (PCA) from the installer of the playground equipment that the equipment has been constructed and installed in accordance with the relevant Australian Standards. If Council is not the PCA, a copy of this certification is to be provided to Council with the Occupation Certificate.
123. Certification is to be provided to the Principal Certifying Authority (PCA), from a suitably qualified person or the designer of the landscape proposal (as appropriate), that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council **is** the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.
124. Boundary and courtyard fences must be erected and finished in a professional manner.

Parking/Driveway

125. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.

126. All parking spaces shall be signposted and linemarked in accordance with Australian Standards 2890.1-2004 and 2890.6-2009.
127. All disabled parking spaces shall be provided with a shared area and bollards in accordance with Australian Standard 2890.6.2009.
128. The entry / exit driveway shall be indicated with appropriate signage and linemarking to avoid conflict at the driveway.
129. The height clearance at the entry/exit point of the ramp shall be in accordance with AS 2890.1-2004.
130. Wheel stops shall be provided at appropriate parking locations in accordance with AS 2890.1-2004.

Fire Safety

131. Submission to Council of a Final Fire Safety Certificate pursuant to Clause 170 of the Environmental Planning and Assessment Regulation 2000 in respect of each essential fire or other safety measure listed on the Fire Safety Schedule attached to the Construction Certificate.

NOTE:

1. Such Certificate shall state, pursuant to Clause 80E in relation to each essential fire safety measure mentioned in the certificate:–
 - that the service has been assessed by a properly qualified person (chosen by the owner of the building); and
 - that the service was found to be, when assessed, capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.
 2. The person who carries out the assessment must inspect and verify the performance of each fire safety measure being assessed, and must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedules for the building.
 3. The assessment must have been carried out within the three (3) months prior to the date on which the final fire safety certificate is issued.
132. At least once in each period of twelve (12) months after a Fire Safety Certificate is required to have been furnished to the Council, the owner of the building shall, pursuant to Clause 177 of the Regulation, submit to the Council and the Commissioner of the New South Wales Fire Brigades, an Annual Fire Safety Statement, in respect of each essential fire or other safety measure listed on the current Fire Safety Schedule. A copy of the Certificate and Schedule is to be prominently displayed in the building.

External Walls and Cladding Flammability

133. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate, the Certifying Authority and Principal Certifying Authority must:
- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

On-Site Stormwater Detention, Certification, Covenant and Maintenance Schedule

134. A copy of the as approved stormwater drainage and On Site Detention System showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.
135. The On-site Stormwater Detention design summary calculation sheet using the Works-as-Executed levels shall be provided to Council.
136. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage and On Site Detention System shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.
137. A certificate of compliance for the pump out drainage system of the basement level shall be issued to the Principal Certifying Authority by the pump installers stating that the pump out system has been installed to operate in accordance with the Council requirements and approved drawings.
138. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On Site Detention and Overland Flowpath shall be submitted to the authority benefited for approval prior to lodging with the Land and Property Information NSW. The wording of the terms of the Positive Covenant and Restriction On Use shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention. The documents shall be approved by the benefiting authority for registration with Land and Property Information NSW.

Note: Prior to release of the documents creating the Restriction on Use and Positive Covenant, the benefiting authority shall be satisfied that the as-constructed On Site Detention and Overland Flowpath is in accordance with the approved drawings and Council requirements.

The Positive Covenant and Restriction on Use documents shall be registered with the Land and Property Information NSW within six (6) months from the date of release by the benefiting authority.

139. A maintenance schedule for the stormwater and On-Site Detention system including a sketch plan of the components forming the sites stormwater and On-Site Detention system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements.
140. The applicant shall provide a standard OSD sign within the aboveground basin area in accordance with Clause 7.1 (i) of the Council's OSD policy.
141. An On-site Stormwater Detention plate shall be installed within the detention basin or tank. The plate shall be located in or near the Discharge Control Unit to alert future owners of their obligations to maintain the facility and its restrictions. The wording and plate shall be in accordance with Council's standard requirements.

Road Works

142. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
143. A full width **heavy duty** vehicular crossing shall be provided opposite each vehicular entrance to the site, with a maximum width of **7.2** metres and a minimum width of **6** metres at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.
144. The reconstruction of cracked and/or damaged concrete kerb and gutter and any associated works along all areas of the site frontage. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD 8100 and issued level sheets.
145. The construction or reconstruction of concrete footpath paving and associated works along all areas of the site fronting Austral Avenue. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be 1.8m wide and in accordance with Council's standard drawing SD 8100 and issued level sheets.
146. The reconstruction of Council's gully pit/s and associated works along all areas of the site fronting Austral Avenue, Westmead. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD-8010.
147. Removal of all redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing number SD-8100.
148. A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifying Authority.

Child Care Centre Kitchen

149. A certificate shall be submitted to Council for the air conditioning system, together with a copy of the test report done at completion of installation and balancing in accordance with the minimum requirements of AS.1668, Part 1 and 2.
150. Food Business registration shall be obtained from Council, PRIOR to commencement of business operations, in accordance with Council's adopted policy.
151. To ensure compliance with the Australia/New Zealand Food Safety Standards Code, Food Safety Standards 3.2.3 "Food Premises and Equipment" and Australian Standard 4674.2004 Design, Construction & Fit Out of Food Premises", Council is to be given forty eight (48) hours notice prior of intention to occupy the premises and commence trade.
152. Certification that the mechanical ventilation system has been tested and found to comply with the approved plans and specification together with a copy of the final test figures shall be submitted to the Principal Certifying Authority.
153. Certification must be provided from a suitably qualified person that all work in connection with the occupation or use of the premises for the preparation, display and storage of food has been carried out in accordance with the terms of this development consent.
154. A notification/registration application shall be submitted to Council's Compliance & Environment Department for the food business.

Street Number

155. A street number must be displayed on all newly developed properties in accordance with Council's "Policy on the Display of House Numbers".

Air Conditioning

156. Certification that the mechanical ventilation system has been tested and found to comply with the approved plans and specification together with a copy of the final test figures shall be submitted to the Principal Certifying Authority.

Noise Compliance Report

157. The Principal Certifying Authority (PCA) shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the Acoustic Impact Assessment prepared by Reference R180121R2, Revision 1, dated 7 February 2019 have been completed and that relevant noise criteria have been satisfied prior to the issue of any Occupational Certificate.

General

158. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent and its accompanying Construction Certificate.

CONDITIONS RELATING TO USE

The following conditions are applicable to the use of the development:-

Safety and Amenity

159. No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footpath, utility service land, customer and/or employee parking area, the driveways or pedestrian walkways outside or in the immediate vicinity of the premises.
160. For the purposes of preserving the amenity of neighbouring occupations and residents, hours of operation are to be restricted to between 7.00am and 6.00pm Monday to Friday. All deliveries shall occur only during the approved hours of operation. Any use of the childcare centre outside those hours for meetings, training, early drop-offs, late pick-ups, cleaning, maintenance etc will require an amended acoustic report to be prepared and modification to the Development Consent for the approved hours of use.
161. No use of the premises is permitted on Saturday, Sunday or Public Holidays.
162. No approval is granted or implied to hold events on the site including concerts, recitals, fetes, fairs, markets and the like. Separate approval shall be obtained from Council for these activities.
163. Business is to be conducted and patrons are to be controlled at all times so that no interference occurs to the amenity of the adjoining occupations.
164. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
165. Where an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
166. Within three months of the premises being occupied by the childcare centre, an acoustic report by a suitably qualified person, is to be submitted to the consent authority demonstrating that the noise emitted from the premises complies with the criteria contained in the acoustic report prepared by Acoustic Impact Assessment prepared by Reference R180121R2, Revision 1, dated 7 February 2019. Where the criteria are not met the acoustic report is to include recommendation of noise control measures that are to be implemented to ensure compliance with the criteria. The report is to include post validation results.

Mechanical Ventilation System

167. Noise and vibration from the use of the air handling system (mechanical exhaust ventilation) system shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy.

Operational Management Plan

168. An Operational Management Plan (OMP) shall be prepared and reviewed in regular basis. The plan shall detail how the Childcare Centre will be managed to minimise impact on neighbouring properties (particularly on-street parking). The OMP should include but not limited to the below:
- a) Drop off / pick up time is staged,
 - b) Encourage staff and parents to use public transport,
 - c) Advice parents to not park outside neighbouring properties and respect residents' amenity,
 - d) Regular monitoring of off-street and on-street parking,
 - e) Tandem parking spaces shall be allocated to long term staff.
169. The Operation Management Plan shall be reviewed on regular basis to ensure all road safety conditions are adequately addressed.

Parking

170. The car parking spaces, driveways and manoeuvring areas are to be used for employees' and visitors' vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
171. At least 16 on site car parking spaces numbered and linemarked in accordance with the endorsed plan, are to be made available at all times for employees and visitors' vehicles only in conjunction with the occupation of the building/premises at 22 Austral Avenue, Westmead.
172. All vehicles shall enter and leave the site in a forward direction.

Acoustic Measures

173. In reference to the Acoustic Impact Assessment prepared by Reference R180121R2, Revision 1, dated 7 February 2019; the recommendations of the report shall be adhered to at all times.

Hygiene and Food Storage

174. Sufficient provisions must be made for the installation of adequate double bowl wash sinks (or single bowl with dishwasher), food preparation sinks and hand wash basins within all food handling areas including bottle preparation areas.
175. Staff food must be stored in a separate area for food intended for the children. Sufficient space must be available to store any required dry goods for the premises.

Refuse & Trade Waste

176. Waste storage bins must be covered at all times to prevent entry of stormwater or dispersal by wind and must be sealed to prevent leakage.

Emergency Procedures

177. The owner of a building to which an essential fire safety measure is applicable must not fail to maintain each essential fire safety measure in the building premises to a standard not less than that specified in the Fire Safety Schedule.

Air Emissions

178. The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997* and shall be controlled in accordance with the requirements of such Act.
179. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour exiting the premises.
180. Any discharge to the atmosphere must not result in any odour or other air impurity detectable outside the boundaries of the property.
181. In the event of Council receiving complaints regarding excessive odour from the garbage bay area, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the garbage bay area.

Noise - Outdoor play areas at childcare centre

182. To minimise the ongoing impact on the nearby residents:

The Leq, 15min noise level emitted from the outdoor play area shall not exceed the background noise level by more than 5 dB for any outdoor play periods.
The noise level assessment shall be measured at the most affected point on or within any residential receiver property boundary.

Examples of this location may include:

- 1.5 m above ground level;
- On a balcony on the ground or higher floors;
- Outside a window on the ground or higher floors.

183. The operation of all plant and equipment shall not give rise to an equivalent continuous (LA_{eq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration).
184. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises.

185. Noise and vibration from the use of the air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

Clean Water Discharge

186. The operation of the premises shall be conducted in a manner, which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.

Waste Collection

187. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the *Protection of the Environment Operation Act 1997*. Records shall be kept of all liquid and solid waste disposal from the site, and be made available to Council Officers on request.

Lighting

188. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*.

Storage

189. Provision shall be made for the storage of cleaning chemicals, equipment and staff personal belongings.

Waste Storage

190. All putrescible waste must be stored in approved, lidded, flyproof containers. Proper arrangements such as waste paper bales and stands are to be provided for any waste paper or cardboard.
191. A sufficient number of approved garbage receptacles must be provided on the premises for the storage of garbage and trade waste. Such receptacles are to be fitted with close fitting and flyproof lids.

Mechanical Ventilation

192. Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detected outside the boundaries of the property.
193. The mechanical exhaust ventilation system effectively capturing and conveying all heat, fumes and other aerosols to the hood exhaust openings, but in a case the capture velocity at any position over the face area of the hood, serving the cooking facilities, being not less than requirement under AS 1668 Parts 1 & 2.

General

194. The number of children cared for in the new centre shall not exceed **38** aged up to 5 years.
195. The first floor shall only be associated with administrative, office, kitchen or storage functions.
196. No retail sales or advertising of retail sales is to be undertaken from the subject site at any time.
197. Identification number/s is/are to be clearly displayed at the front of the premises.
198. All privacy measures shall be maintained in their approved condition for the life of the development and shall not be modified or removed without written consent from Council.

ADVISORY NOTES

Other Necessary Approvals

- A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
- (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
 - (b) Any fencing located forward of the proposed building and exceeding the limitations specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
 - (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
 - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.
- B. Section 8.7 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within 6 months of the date of determination, or as otherwise prescribed.
- C. Section 8.3 of the Act provides that an applicant may request, within 6 months of the date of determination of the Development Application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.
- It should also be noted that an application under Section 8.3 of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.3 application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.
- D. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- E. A Construction Certificate shall be obtained in accordance with Section 6.7 of the Act, prior to the commencement of any work on site. Council can provide this service for you.
- F. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.

G. BANK GUARANTEES

Bank guarantees will be accepted from list of banks which have at least an “A” rating from Standard and Poors and at least an “A2” or “Prime-1” standard from Moodys Investor Services.

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, **the guarantee must not contain a facility expiry date.**

To get to Standard and Poors www.standardpoors.com then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to “**Banks**” and download to Australian Banks.

To get to Moodys www.moodys.com then look up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.

H. SMOKE DETECTORS

A system of self-contained smoke alarms complying with the requirements of *AS3786-1993, Smoke Alarms* or listed in the *Scientific Services Laboratory Register of Accredited Products* being installed in the dwelling, connected to the mains power supply and provided with a standby power supply. Alarms are to be positioned on the ceiling and setback a minimum distance of 300mm from any wall. Alarms are to be placed in the vicinity of each area containing bedrooms with a minimum of one (1) alarm required for each storey of the dwelling.

I. TERMITE PROTECTION

Structural members are to be protected from attacked by subterranean termites in accordance with the requirements of *AS3660.1-2000 Protection of building from subterranean termites* and a durable notice must be affixed within the metre box indicating the type of protection, its date of installation, life expectancy of any chemical barrier used, and system maintenance and inspection requirements. A certificate of compliance of the approved system must be submitted to Council or the Principal Certifying Authority on completion of the system installation. With respect to chemical protection, a pipe system shall be installed beneath the slabs plastic membrane to allow re-application of the chemical border.

J. WET AREAS

Wet areas in the dwelling are to be waterproofed in accordance with *AS3740 Waterproofing of wet areas within residential buildings*.

Where Council is the Principal Certifying Authority for the works, the submission of evidence of suitability for the waterproofing product used will be required at the wet area inspection stage. The evidence of suitability is to be in the form of:-

1. A current Certificate of Accreditation for the product.

AND

2. A certificate from the person responsible for the installation of the product advising that the product was applied in accordance with the relevant manufacturers specifications.

Note: Any copy of documentary evidence submitted, must be a complete copy of the original report or document.

K. SARKING

To reduce the risk of injury during works to the roof, sarking with fall arresting ability is to be provided to the underside of the roof. Manufacturers specifications for the sarking is to be submitted to Council prior to its installation.

L. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee per certificate (in accordance with Council's adopted fees and charges) is payable to Council on lodgement of Construction and Occupation Certificates from Principal Certifying Authorities.

M. SOUND TRANSMISSION AND INSULATION

To ensure the amenity of occupants in multi-residential development (Class 2 and 3 buildings and Class 9c Aged Care buildings), separating walls must be constructed in accordance with Part F5 of the Building Code of Australia.

N. GLAZING CERTIFICATION

A certificate shall be submitted to the Principal Certifying Authority stating that safety glazing has been used in the building in accordance with AS1288 - "Glass in Buildings - Selection and Installation".

O. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

P. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800810443.

Q. DIVIDING FENCES

Please be advised that arrangements concerning existing or proposed fences between properties are a civil matter determined by the involved parties under the [Dividing Fences Act](#). You are therefore required to consult with the owners of neighbouring properties if fences are to be removed or constructed.

The Dividing Fences Act is administered by the [Department of Lands](#) who can act as a mediator in disputes.

Yours faithfully

Sohail Faridy
COORDINATOR DEVELOPMENT ASSESSMENT