

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA18/0599
Description of development:	Use of an Existing Building as a Child Care Centre x 22 Place and Associated Car Parking
Classification of development:	Class 9b

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 107 DP 975322
Property address:	84 - 90 Third Road, BERKSHIRE PARK NSW 2765

DETAILS OF THE APPLICANT

Name & Address:	M Wilson 84-90 Third Road BERKSHIRE PARK NSW 2765
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DECISION OF CONSENT AUTHORITY

In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Date from which consent operates	8 November 2018
Date the consent expires	8 November 2023
Date of this decision	7 November 2018

POINT OF CONTACT

If you have any questions regarding this determination you should contact:

Assessing Officer:	James Heathcote
Contact telephone number:	+61247328378

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

Your attention is drawn to the attached conditions of consent in attachment 1.

Certification and advisory notes

You should also check if this type of development requires a construction certificate in addition to this development consent

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by Sydney West Planning Panel.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney West Planning Panels

If the application was decided by the Sydney West Planning Panel, please refer to Section 18 of the Greater Sydney Commission Act 2015 and Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

OTHER APPROVALS

APPROVAL BODIES (Delete this section if not applicable)

APPROVAL BODY NAME	DATE OF GENERAL TERMS OF APPROVAL	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
NSW Rural Fire Service	3 August 2018	DA18/6120	2	Rural Fires Act 1997

The approval bodies listed above have provided General Terms of Approval for this development in accordance with the relevant legislation. A copy of these General Terms of Approval is provided with this development consent notice. Compliance with the relevant State Government departments' General Terms of Approval are required in conjunction with the following conditions listed in Attachment 1: Conditions of Consent issued by Penrith City Council.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the plans stamped approved by Council below, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Description	Plan No.	Revision	Prepared By	Date
Site Plan	Sheet 1 of 3	B	Havanah Building Design	01.03.18
Floor Plan & Part Site Plan	Sheet 2 of 3	A	Havanah Building Design	01.03.18
Elevations & Section	Sheet 3 of 3	A	Havanah Building Design	01.03.18

- 2 The development shall not be used or occupied until an Occupation Certificate has been issued.

A satisfactory inspection from an authorised officer of Council's Environmental Health Department is required prior to the issue of the Occupation Certificate. The occupier is to contact the Environmental Health Department to organise an appointment at least 72 hours prior to the requested inspection time.

- 3 The business is to be registered with Penrith City Council by completing the "Registration of Premises" form. This form is to be returned to Council prior to the issuing of the occupation certificate and operation of the business.
- 4 The operating hours are from 7:30am to 5:30pm Monday to Friday. The centre is not to operate on weekends or public holidays. Staff are not permitted to generate noise that can be heard from an adjacent premises before 7:30am. Waste collection and deliveries are only to occur during these times of operation.
- 5 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 6 A maximum of 22 children (Aged between 2-6 year old) are to be enrolled to attend the premises at any one time.
- 7 The proposed Child Care Centre is to comply with the requirements of the Education and Care Services National Regulations under the Education and Care Services National Law at all times.
- 8 The applicant shall comply with the conditions contained in the General Terms of Approval issued by the NSW Rural Fire Service Reference D18/6120 - DA18062913737 RB and dated 3 August 2018.
- 9 Prior to the issue of an Occupation Certificate, an Emergency Evacuation Plan shall be provided to identify emergency procedures, demonstrating that children can be assembled at a safe distance from the building if needed, consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation plan' and the NSW Child Care Planning Guideline.

- 10 Any animals kept on site or associated with the residential use of the land shall be kept separate from the child care centre and associated operations at all times.
- 11 The operation of heavy vehicles on the subject site shall not occur during the hours of operation for the child care centre.
- 12 The child care centre shall not be utilised as a dwelling, or for similar living arrangements, at any time.
- 13 The use of the shed adjacent to the car park is to remain closed at all times the Child Care Centre is operating.
- 14 Prior to the issue of an Occupation Certificate, a signage plan for the erection of a sign or advertising structure other than an advertisement listed as exempt development is to be submitted to Penrith City Council for approval, complying with the requirements of Penrith Development Control Plan 2014.
- 15 A public contact number is to be displayed on any childcare centre signage and must be operational during business hours. A complaint register is to be maintained and must include complaint details and any actions taken to address those complaints. A copy of the complaint register is to be provided to Council upon request.

Environmental Matters

- 16 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be installed and maintained in accordance with the Department of Housing's *"Managing Urban Stormwater: Soils and Construction"* 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

- 17 No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
- 18 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.
- 19 All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste

management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

- 20 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the 'Acoustic Assessment - Childcare Centre: Meek's Day Care Centre' prepared by PKA Acoustic Consulting dated 21 March 2018 (Ref. No. 11164 R01v2). The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and **shall be shown on plans accompanying the Construction Certificate application.**

A certificate is to be obtained from a qualified acoustic consultant certifying that the development has been constructed to meet the noise criteria in accordance with the approved acoustic report. **This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.**

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 21 Dust suppression techniques are to be employed during demolition and construction to reduce any potential nuisances to surrounding properties.
- 22 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 23 Due to noise requirements, restrictions apply to the number of children allowed in the outdoor play areas at any one time. The outdoor play areas combined are to have a maximum of:
- 14 children aged 0-2 years or
 - 36 children aged 2-4 years or
 - 40 children aged 4-5 years.
- 24 Appropriate signage is to be provided to the car park and entrance of the centre requesting patrons to minimise noise and protect the amenity of the surrounding neighbourhood.

Signage reminding people to lock their vehicles and remove valuables shall be installed in the car park.

- Prior to the issuing of the Occupation Certificate, a suitable signage plan is to be submitted to Council for approval.
 - The signage plan is to provide details on the location, sizing and wording of the proposed signs.
 - The signs are to be constructed prior to the issuing of the Occupation Certificate.
- 25 In the event of ongoing noise complaints relating to the development being received by Council, the owner and/or occupier of the development may be required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community.

The noise impact assessment report is to be prepared and provided to Council for approval within 45 days of being requested. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

- 26 All mechanical plant and equipment is to comply with the noise criteria outlined in 'Acoustic Assessment - Childcare Centre: Meek's Day Care Centre' prepared by PKA Acoustic Consulting dated 21 March 2018 (Ref. No. 11164 R01v2).

Prior to the issue of the Occupation Certificate, a Compliance Certificate is to be submitted to and approved by Council. The Certificate is to outline that all plant and equipment have been installed to comply with the above information and the established noise criteria. Should the Compliance Certificate identify any non-compliance issues, the Certificate is to provide suitable recommendations for mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

- 27 The 'Operational Plan of Management :Meek's Day Care and Early Learning Centre' is to be implemented and complied with.

BCA Issues

- 28 The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

- (a) deal with each essential fire safety measure in the building premises, and
(b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

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As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

- 29 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions, or

- (b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

- (c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

Health Matters and OSSM installations

- 30 Prior to the issue of a Construction Certificate, the following shall be demonstrated:

The construction, fit out and finishes of the food premises (preparation area) must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fitout of Food Premises*. In this regard, your attention is drawn to the following requirements:

- Hand basins must be provided in the food preparation area, serviced with hot and cold water through a

single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are installed the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

- Staff toilets must be provided on the premises. Where a toilet adjoins a food preparation area it must be separated by an air lock and its doors must be fitted with self closing devices. Toilets intended for customer use must not be accessed through areas where open food is handled, displayed or stored.
- A hand basin must be located within the toilet cubicle. Hand basins must be serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands-free operation. Where sensor taps are used the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.
- 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. All floor wastes in the food preparation, service and scullery area must be fitted with a sump removable basket and grate, a minimum 200mm in diameter, and finished in all stainless steel.
- Approved, recessed coving must be provided at all intersections of the floor with the walls within all food preparation, service, storage and scullery areas. All coving must have a minimum concave radius of 25mm and be installed to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface.
- The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other approved material to a height of 2 metres. The intersection of tiles and render must have a flush finish or be splayed at a 45-degree angle to eliminate a ledge that would allow dust and grease to accumulate.
- The walls at the rear of cooking appliances must be surfaced with an impervious material, such as stainless steel, which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material must be lapped over the top edge of the appliance to provide a grease and vermin proof seal. Cooking appliances must only be sealed to walls made of a non-combustible material.
- The ceiling in the preparation, service and scullery areas must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight jointed, sealed and dust proofed. Drop-in panel style ceilings are not permitted.
- In addition to the hand wash basin, the food preparation area must be equipped with a double bowl sink constructed of stainless steel, have a minimum bowl size of 450mm x 300mm x 300mm to enable cleaning of large pots and equipment, be fitted with a draining area at each end, and have a splashback as part of the unit at least 300mm up the wall or alternatively, have a single bowl sink and a dishwasher. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitising rinse cycle must achieve a water temperature of 80°C for 2 minutes or 75°C for 10 minutes.
- All fixtures, fittings and equipment must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning.
- All fittings and fixtures must be built into the wall and floor to be free from joint, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following:

- a. Plinths – plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.
- b. Wheels or castors – fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.
- c. Legs – fittings and fixtures can be supported on legs but must be constructed of a non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 200 mm.

NOTE: False bottoms under fittings are not permitted (AS4674-2004 – Section 4.2 and 4.3).

- All garbage must be stored in accordance with the requirements of the Food Safety Standards of the Australian and New Zealand Food Standards Code and the *Protection of the Environment Operations Act 1997* to prevent the harbourage of vermin or generation of odours.

Utility Services

- 31 A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at www.sydneywater.com.au then the “e-developer” icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Construction

32 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

33 Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) 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, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 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 of the excavation 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 condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a 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, a hoarding or fence must be erected between the work site and the 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, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

34 Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

35 The external finishes of the building and any associated structures (not including any outdoor play equipment) shall be of natural bushland tones complementary to the surrounding setting.

36 Prior to the issue of a Construction Certificate, it shall be demonstrated that any proposed or existing shade

structures comply with AS/NZS 4486.1, and that any shade structure does not have footholds or grip surfaces that allow for climbing.

- 37 Any proposed alterations shall be purpose designed and built to satisfy the requirements of the NSW Department of Community Services.

Swimming Pools

- 38 The nearby swimming pool associated with the existing dwellings on the site must remain securely fenced (in accordance with the requirements of the Swimming Pool Act 1992) to prohibit access to the children in care.

Engineering

- 39 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

40 Prior to the issue of any Construction Certificate, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths and or cycleways
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Road occupancy or road closures
- e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- f) Temporary construction access

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

41 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

All car spaces are to be sealed/line marked and dedicated for the parking of vehicles only and not be used for the storage of materials/products/waste materials etc.

42 Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

43 The required sight lines around the driveway entrance and exit are not to be compromised by street trees, landscaping, fencing or signposting.

44 Prior to the issue of any Construction Certificate, kerb and/or wheel stops shall be provided for any parking spaces that front/back onto a pedestrianised area to control kerb overhang. Wheel stops shall be designed in accordance with AS2890.

- 45 A total of 6 off-street parking spaces are to be provided, line marked and maintained for the development, generally in accordance with the stamped approved plans. The parking space dimensions and manoeuvring areas are to comply with AS 2890.1 and AS 2890.2, the Building Code of Australia and the Commonwealth Disability Discrimination Act.

Of these spaces, parking space(s) for persons with disabilities are to be provided in accordance with AS1428.1 and are to be located close to pedestrian entrances to the building.

- 46 Directional signage shall be provided indicating the location of staff and customer parking.
- 47 All vehicles are to enter/exit the site in a forward direction.
- 48 Prior to the issue of an Occupation Certificate, directional signage and line marking shall be provided indicating directional movements and the locations of emergency vehicle car parking spaces.

Landscaping

- 49 All landscape works are to be constructed in accordance with the stamped approved plan and Chapter C6 Landscape Design of Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

- 50 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.
- 51 Existing landscaping is to be retained and maintained at all times.

Certification

- 52 Prior to the commencement of any earthworks or construction works on site, the proponent is to:
- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
 - (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Operation of OSSM

- 53 **Prior to the issue of a Construction Certificate**, an amended waste water report and effluent management area plan prepared by a duly qualified consultant is to be provided to Penrith City Council for approval. The amended waste water report is to be prepared in accordance with the relevant Australian Standards and guidelines. It is to provide alternative recommendations for the disposal of treated effluent from the childcare centre by surface spray irrigation on the land available to the South-West of the primary dwelling. The size of the irrigation area is to be based on a minimum waste water loading of 1040 litres/day.

The on-site sewage management (OSSM) system and effluent management area shall be installed and operated in accordance with the:

- "Environmental and Health Protection Guidelines On Site Sewage Management for Single Households"
- Australian Standards AS1547:2012,
- Council's On-Site Sewage Management and Greywater Reuse Policy,
- Current (at the time of installation) NSW Health Accreditation documentation,
- The approved, amended Wastewater Report identified above,
- The approved, amended Effluent Management Area Plan identified above,
- And, the conditions of this consent.

Prior to the issue of the 'Approval to Operate', a Commissioning Certificate for the OSSM system shall be provided to Penrith City Council for approval. This Certificate shall certify that the aerated wastewater treatment system (AWTS) has been installed and is operating in accordance with the conditions of its NSW Health accreditation documentation.

Prior to the issue of the Occupation Certificate and before the OSSM system can be used, an 'Approval to Operate' for the OSSM system is to be sought from and issued by Penrith City Council.

- 54 All wastewater generated from the child care centre is to be diverted to an Econocycle and be disposed of by way of surface irrigation in the amended, approved effluent management area. The effluent management area is to be located in accordance with the amended, approved Effluent Management Area Plan as approved by Council prior to the issue of a Construction Certificate.

The system is to be utilised for a daily wastewater load of 1074 litres in accordance with Wastewater Report (prepared by Envirotech, dated 24/08/2018, REF-18-5918-A2).

Any dwelling approval on the site greater than this may require a new wastewater report for Council's consideration.

- 55 Penrith City Council is both the consent authority and certifying authority for the installation of the On-Site Sewage Management System (OSSM). **It is your responsibility to contact Council's Development Services Department to organise all inspections required for the installation of the system.**

In this regard, the septic tank(s) and disposal area(s) will need to be inspected on completion of the system's installation (before backfilling occurs) and prior to its commissioning, to ensure compliance with those conditions specific to the installation of the system.

A copy of the satisfactory inspection reports carried out by Council shall be submitted to the Principal Certifying Authority if Council is not the Principal Certifying Authority.

- 56 The septic tank, drainage and irrigation lines and effluent management area shall not be altered without the prior approval of Council. In addition, the septic tank shall not be buried or covered.
- 57 All house drainage and sanitary plumbing shall be carried out in accordance with the requirements of the Plumbing and Drainage Act 2011 and the Plumbing Code of Australia.
- 58 The design of the irrigation system for the effluent management area is to be such that:
- The distribution line is to be buried from the tank to the designated disposal area.
 - The moveable irrigation line and sprinklers (including the plume from the sprinklers) situated within the disposal area can not exceed the designated boundaries of the disposal area.
 - The treated wastewater can be evenly irrigated across the entire designated disposal area, **avoiding the drip line of native trees.**
- 59 All irrigation pipework and fittings shall comply with AS2698 "Plastic Pipes and Fittings for Irrigation and Rural Applications". In this regard:
- the irrigation system is not to be connected to/not capable of connection to the mains water supply,
 - standard household fittings, soaker hoses, garden sprinklers and standard water hose fittings are not to be used,

For Surface Irrigation-

- all distribution lines of the irrigation system to any standpipe shall be buried to a minimum 100mm below finished surface level,
- spray irrigation equipment connected to distribution lines shall be fixed, and
- spray irrigation shall only use low pressure, low volume spray heads which are not capable of producing aerosols. The spray shall have a maximum plume height 400mm and a plume radius of not more than 2 metres.

- 60 There shall be no effluent runoff from the subject property to adjoining premises, public places or reserves.
- 61 A minimum of two signs shall be erected within the effluent management area. These signs are to state "RECLAIMED EFFLUENT - NOT FOR DRINKING - AVOID CONTACT". The signage shall be maintained for the term of the development.
- 62 The owner/occupier shall enter into an annual service contract with the manufacturer, distributor or other person authorised (in writing) by Penrith City Council to service the aerated septic tank(s) every three (3) months from the date of commissioning in the following manner:
- i. A three monthly service shall include a check on all mechanical, electrical and functioning parts of the aerated system including:
 - the chlorinator,
 - replenishment of the disinfectant,
 - all pumps and switches,
 - the air blower, fan or air venturi,
 - the alarm system,
 - the effluent disposal area and irrigation spray outlets and filters,
 - the slime growth on the filter media, and
 - the operation of the sludge returns system.
 - ii. The following field tests are to be carried out at every service:
 - free residual chlorine using DPD colorimetric or photometric method,
 - pH from a sample taken from the irrigation chamber,
 - dissolved oxygen from a sample taken from the final aeration or stilling chamber (although recommended) is optional.
 - iii. On the yearly anniversary date of the commissioning of the system, an annual service of the system shall also be carried out which includes a check on the sludge accumulation in the septic tank (primary treatment tank) and the clarifier, where appropriate.
 - iv. For systems which utilise the sewage treatment principle of activated sludge or contact aeration, a sludge bulking test, known as a SV30 Test, shall also be conducted on an annual basis. This test is to determine whether the accumulated sludge is bulking, indicating that the aeration compartment(s) will require desludging.
 - v. On completion of each service, a service report sheet is to specify all service items and test results, the amount of chlorine compound provided, parts replaced (if applicable), the date the service was conducted and the technician's name. A copy of the service report is to be:
 - given to the property owner and another to the applicant (if not the same), and
 - forwarded to Penrith City Council.Each service agent shall provide a registered business office which, if unattended during business hours, is provided with a telephone answering device or service. A means of reporting a malfunction or breakdown outside normal business hours shall be available. In the event of a breakdown or malfunction, the service agent shall, within 24 hours of the breakdown or malfunction, ensure that temporary repairs are carried out to the aerated system to ensure continued operation of the system. This may necessitate provision of adequate spare parts and temporary replacement blowers and irrigation pumps where repairs cannot be completed on site.
- 63 The contents of the existing greywater tank which services the primary dwelling are to be removed by a licensed waste contractor and deposited to an approved waste facility. The disconnected greywater tank shall be removed, demolished or filled with clean soil and garden lime. Documentation of the collection and disposal of waste are to be retained and provided to Council on request.

- 64 The effluent management area is to be turfed to the satisfaction of Council. Where a specific variety of turf is identified in the approved Wastewater Report that variety is to be installed and maintained.
- 65 No concreting, driveways, vehicles or any other structure or access way is to be located over any portion of the effluent management area.
- 66 Orchards, vegetable gardens or any other plant species that can be used for the purposes of human consumption are not to be planted within the effluent management area. Effluent from the on-site sewage management system is not to be used on fruit or vegetables grown for human consumption.
- 67 The effluent management area shall be protected from possible stock damage.
- 68 No wastewater associated with the on-site sewage management system is to be applied or irrigated within the drip line of any native trees within the effluent management area.
It is the responsibility of the applicant to ensure the ongoing health of the trees in relation to the effluent management area.
- 69 At no time is the swimming pool back wash to be directed to the on-site sewage management system.

SIGNATURE

Name:	James Heathcote
Signature:	

For the Development Services Manager