



# **Attachment 7 to Item 2.1.1**

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## **Hawkesbury Local Planning Panel Conditions**

Date of meeting: 19 December 2024  
Location: Audio Visual  
Time: 10am



## Local Planning Panel Recommended Conditions

**Application Number:**

**Proposal Details:** Alterations and Additions for the construction of a new Aviary Enclosure

**Legal Description:** Lot 11 DP 1073816

**Property Address:**

**Applicant:** Matthew James

**Owner:** Hawkesbury City Council

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## General Conditions

### 1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:

a) Plans Reference:

Job No.	Drawing Description	Prepared by	Revision	Sheet	Date
3279	Proposed Site Plan	MDP Architecture	-	DA051	13 November 2024
3279	Proposed Overall Floor Plan	MDP Architecture	-	DA101	13 November 2024
3279	Shed Details & Finishes Schedule	MDP Architecture	-	DA102	13 November 2024
3279	Stormwater/Erosion & Sediment Control Plan	MDP Architecture	-	DA191	13 November 2024
3279	Elevations Sheet 1	MDP Architecture	-	DA201	13 November 2024
3279	Elevations Sheet 2	MDP Architecture	-	DA202	13 November 2024
3279	Sections Sheet 1	MDP Architecture	-	DA301	13 November 2024
3279	Stormwater Layout	MDP Architecture	-	4A/4	13 November 2024

b) Document Reference:

Document Title	Reference	Prepared By	Date
Operational Management Plan	-	-	-

Flood Assessment Report	-	ENTEC Consultants	25 October 2024
Bushfire Assessment Report	W23036	Waratah Bushfire	22 August 2023

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

**Note:** Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) any amendments made by Council on the approved plans or documents;
- (ii) any notes, markings, or stamps on approved plans or documents; and
- (iii) any conditions contained in this consent.

**Reason:** To ensure the work is carried out in accordance with the approved plans.

## 2. Design Amendments Required

In order to clarify the works proposed, the design of the building must be amended as follows:

- a) The proposed car parking spaces proposed on DA051 are to be deleted. The volunteers of the use are to use the existing parking at the front of the Nursery, and Animal Shelter;

Details are to be submitted to the Accredited Certifier prior to the issue of a Construction Certificate demonstrating compliance with this condition.

**Reason:** To require minor amendments to the approved plans endorsed by the consent authority following assessment of the development.

## 3. Works Must Not Commence Until a Construction Certificate is Issued

Construction or preparatory work (including earthworks or tree and/or vegetation removal) must not commence until:

- a) a Construction Certificate is obtained from either Council or an Accredited Certifier;
- b) a Principal Certifier is appointed; and
- c) a Notice of Commencement is lodged with Council.

**Note:** If the Construction Certificate is issued by an Accredited Certifier that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval (a registration fee is payable upon lodgement).

**Reason:** To comply with legislative requirements.

## 4. Appointment of a Principal Certifier

No work shall commence until:

- a) A Principal Certifier is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:
  - (i) name and licence number of the builder/contractor undertaking the

- construction works; or
    - (ii) name and permit number of the owner-builder (if relevant);
  - b) The Principal Certifier has:
    - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);
    - (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;
    - (iii) notified Council of its appointment (not less than two days before commencement of building work);
  - c) The person having benefit of the consent (if not carrying out work as an owner-builder) has:
    - (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved;
    - (ii) notified the Principal Certifier of the appointment of the principal contractor;
    - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work; and
  - d) At least two days' notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

**Reason:** To comply with legislative requirements

## 5. **Part 6 Certificates Required**

The accredited certifier must provide copies of all Part 6 Certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies.

**Reason:** Statutory requirement.

## 6. **Occupation Certificate Required Prior to The Use Of The Building**

The buildings must not be occupied or used prior to the issuing of an Occupation Certificate by the Principal Certifier. Where a partial Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of any Occupation Certificate must be submitted to Council within two days of its issue.

**Reason:** Statutory requirement.

## 7. **Prescribed Conditions - Compliance with National Construction Code**

All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).

**Reason:** Statutory requirement.

## 8. **Archaeology – Discovered During Excavation**

As required by the Heritage Act 1977, in the event that items, relics, historical cultural fabric and/or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the NSW Government's Heritage Council must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the Heritage Act 1977 to obtain the necessary approvals/permits from the NSW Department of Planning and Environment - Environment and Heritage Council.

**Note:** The Heritage Act 1977 imposes substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

**Reason:** To ensure that any Aboriginal and European archaeological items are appropriately managed and requirements of the NSW Department of Planning and Environment - Environment and Heritage are satisfied.

#### 9. **Excavation – Aboriginal Relics**

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) all excavation or disturbance of the area must stop immediately in that area; and
- b) NSW Department of Planning and Environment - Office of Environment and Heritage Group must be advised of the discovery.

All necessary approvals from NSW Department of Planning and Environment - Office of Environment and Heritage Group must be obtained and a copy provided to Council prior to works recommencing.

**Note:** If an Aboriginal object is discovered, an Aboriginal Heritage Impact Permit may be required under the National Parks and Wildlife Act 1974.

**Reason:** To ensure that any Aboriginal archaeological items are appropriately managed.

#### 10. **Construction of Aviary Enclosure and Storage shed**

The Aviary enclosure and storage shed shall be constructed so that they can resist vermin, and be easily cleaned. This includes, but is not limited to:

- a) Eliminating or screening any gaps around the wall/floor and wall/roof intersections to adequately resist the entry of pests such as birds, rats, and mice.
- b) By maintaining a durable sealant to the concrete slab so that it is impervious to moisture.
- c) Utilising equipment and fixtures that are able to be easily moved.

**Reason:** To ensure safety of birds within the enclosure and ensure ongoing maintenance.

#### 11. **Operational Waste Management Plan**

Prior to the issue of the Construction Certificate, an operational waste management plan (OWMP) is to be prepared for the approved use. The OWMP is to outline arrangement

for the handling of waste generated from the use, inclusive of food waste, animal waste, and operational waste.

**Reason:** To ensure waste generated by the enclosure is appropriately managed.

## **Prior to the Issue of Construction Certificate**

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate. 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.

The Accredited Certifier may require a Compliance Certificate to address particular matters below:

### **12. Flood Prone Land – Flood Compatible Construction**

All buildings/structures must have flood compatible structural components up to and including the 100 year Average Recurrence Interval (ARI) flood level. The materials used in the construction must be consistent with any structural engineering certificate regarding the ability of the structure to withstand the forces of floodwater.

A written specification of the proposed materials to be used must be provided to the Registered Certifier prior to the issue of a Construction Certificate.

Note: Advice on suitability of materials for use on flood liable land can be found in the publication 'Reducing Vulnerability of Buildings to Flood Damage' (Chapter 4.3 - Construction Materials).

**Reason:** To ensure that the structure is able to withstand anticipated forces associated with the design flood level.

### **13. Flood Prone Land – Engineers Certification**

The 100 year Average Recurrence Interval (ARI) flood level for this site is RL 17.3 metres AHD (Australian Height Datum).

An engineer's certificate must be provided deeming compliance with the following requirements during a 100 year ARI flood event:

- a. Debris: Damage to the proposed structure/s sustained in a flood will not generate debris capable of causing damage to downstream buildings or property. This includes securing of utilities and equipment including tanks, A/C units and similar;
- b. Structural Soundness: Any part of the structure will be able to withstand the force of floodwaters (including lateral forces, buoyancy forces, unbalanced hydrostatic forces) and the impact of debris; and
- c. Foundations: The footing system must be structurally stable during flooding and must consider the soil properties when wet, possible erosion and scouring or liquefaction, subsidence or collapse due to saturation.

The Engineers Certificate must be submitted to the Registered Certifier prior to issue of the Construction Certificate

**Reason:** To ensure that the structure is able to withstand anticipated forces associated with the design flood level.

### **14. Tree Protection - Construction of Driveway and Paved Area**

All paved areas that are proposed to be constructed within the drip line of the trees to the south of the development area are to be constructed so that provision is made for water and air movement into the soil.

Details demonstrating compliance with this condition are to be submitted and approved by the Accredited Certifier prior to the issue of the Construction Certificate.

**Reason:** To minimise disturbance to existing significant vegetation to ensure long term health.

15. **External Materials - Approved Schedule of Finishes**

The external colours and finishes of the building must be generally in accordance with the approved schedule of finishes and materials.

Details must be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

**Reason:** To ensure compliance with the approval.

16. **Erosion and Sediment Control Plan**

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Accredited Certifier approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage and a north point.

The ESCP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction' (2004). The plan must show the following:

- a) timing of works;
- b) nature and extent of earthworks, including the amount of any cut and fill;
- c) where applicable the diversion of runoff from upslope lands around the disturbed areas;
- d) location of all soil and other material stockpiles including topsoil storage;
- e) location and type of proposed erosion and sediment control measures;
- f) site rehabilitation proposals; and
- g) frequency and nature of maintenance program.

**Reason:** To ensure that construction works are managed so that contaminated runoff, siltation and degradation of waterways does not occur.

17. **External Lighting - Design and Installation**

All external lighting associated with the development must be mounted, screened, and directed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadways. The lighting must be the minimum level of illumination necessary and must comply with Australian Standard AS 4282 - 'Control of the Obtrusive Effects of Outdoor Lighting'.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.



Details demonstrating compliance with the above must be provided to the Accredited Certifier prior to the issue of the Construction Certificate.

**Reason:** To ensure that glare impact is minimised.

#### 18. **Long Service Levy Payment**

The payment of a long service levy as required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 is required. Evidence that the levy has been paid, is to be submitted to the Principal Certifier prior to the issue of any Construction Certificate.

**Note:** All building and construction work costing \$25,000 and above are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Payments Corporation offices or most councils.

**Reason:** Statutory requirement.

#### 19. **Structural Engineers Design – Concrete and Structural Steel**

A qualified Structural Engineer's design for all reinforced concrete and structural steel must be provided to the Accredited Certifier prior to issue of Construction Certificate.

**Reason:** To ensure that the construction work is structurally sound.

#### 20. **Waste Management Plan Required**

A waste management plan is required to be prepared:

- a) identifying all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site;
- b) identifying the quantity of waste material to be:
  - (i) reused on-site;
  - (ii) recycled on-site and off-site;
  - (iii) disposed of off-site;
- c) if waste materials are to be reused or recycled on-site - specify how the waste material will be reused or recycled on-site; and
- d) if waste materials are to be disposed of or recycled off-site - specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.

A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

The waste management plan is to be prepared and submitted to the Accredited Certifier prior to the issue of the Construction Certificate. The plan shall be made available to Council Officers upon request.

**Reason:** To ensure that waste is appropriately managed.

### **Prior to Any Works Commencing on Site**

#### 21. **Principal Certifier - Details**

The applicant must advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 6.6(2) of the *Environmental Planning and Assessment Act 1979*.

**Reason:** Statutory requirement.

## 22. Toilet Facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer;
- b) be attached to an approved on-site effluent disposal system;
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

**Reason:** To ensure that a satisfactory level of amenities are available for construction workers and that they are connected to services or regularly maintained.

## 23. Survey Certificate - Building to be Verified by a Registered Surveyor

In order to ensure compliance with approved plans, a Survey Certificate, prepared by a Registered Surveyor, including locating any easements affecting the subject land, is to be undertaken:

- a) a set-out survey prior to the placement of any footings showing the proposed building and its relationship to the boundaries; and/or
- b) following the installation of formwork at ground floor level prior to placement of concrete showing the level of the form work and its relationship to boundaries; and/or
- c) at the completed height of the building prior to the laying of roofing materials.

Progress surveys must be submitted to the Principal Certifier at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the works as constructed.

**Reason:** To ensure the development is being built in accordance with the approved plans.

## 24. Notice of Commencement

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifier (PCA) providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.

**Reason:** To comply with legislative requirements.

25. **Principal Certifier Site Sign**

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 Certifier for the work;
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) stating that unauthorised entry to the work site is prohibited.

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.

**Reason:** Statutory requirement.

26. **Construction Certificate - Required Prior to Commencement of Works**

A Construction Certificate as specified in this consent is required prior to the commencement of work on the site.

**Reason:** Statutory requirement.

27. **Safety Fencing**

The site is to be secured by a fence, in accordance with SafeWork NSW requirements, to prevent unauthorised access during the period of all works.

**Reason:** To ensure that the land is suitable for the proposed land use.

28. **Demolition – General**

All demolition works must be carried out in accordance with the following:

- a) all demolition work must be carried out strictly in accordance with Australian Standard AS 2601 - 'The Demolition of Structures';
- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current SafeWork NSW 'Demolition License' and an appropriate SafeWork NSW Asbestos License and comply with SafeWork NSW Code of Practice 'How to Safely Remove Asbestos';
- c) site safety/security fencing must be provided prior to commencement of any work on-site and must be removed only when all hazards, including site waste, have been removed. The site safety/security fencing must comply with the following Australian Standards:
  - (i) Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
  - (ii) Construction Sites - Australian Standard AS 4687 - 'Temporary fencing and hoardings';
  - (iii) Ongoing Site Safety/Security - Australian Standard AS 1725 - 'Chain-link fabric security fencing and gates';
- d) demolition work must be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;
- e) no trees must be removed from the site unless they are shown for removal on the

- approved plans, or separately approved by Council;
- f) erosion and sediment control measures must be installed prior to any demolition works commencing and maintained in accordance with the requirements contained in the Hawkesbury Development Control Plan 2002;
- g) all waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
- h) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
- i) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- j) demolition activity must not cause damage to or adversely affect the structural integrity of adjoining buildings;
- k) waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
- l) no material is to be burnt on site;
- m) details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) must be kept on site as evidence of approved methods of disposal and recycling; and
- n) the site must be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

**Reason:** To ensure compliance with the relevant legislation and to ensure public and work safety.

#### 29. **Garbage Receptacle to be Provided On-site**

A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacle must have a tight fitting lid, be suitable for the reception of food scraps and papers and is to be serviced and emptied on a regular basis at no cost to Council.

**Reason:** To ensure that waste material is appropriately managed.

#### 30. **Erosion and Sediment Control for Minor Development**

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Hawkesbury Council's publication *Guidelines for Erosion and Sediment control on a building site (2017)*.

**Reason:** To ensure that construction works are managed so that contaminated runoff, siltation and degradation of waterways does not occur.

#### 31. **Tree Protection Measures**

This consent does not authorise the removal of trees unless specifically permitted.

Trees that are shown on the approved plans (or otherwise identified by Council to be preserved) must be protected against damage during construction. The following measures are to be followed during construction:

- a) Tree Protection Zones (TPZ) must be established around trees identified to be retained in accordance with Australian Standard AS 4970 - 'Protection of Trees on

- Development Sites;
- b) a 1.8 metre high chain mesh fence must be erected around each Tree Protection Zone prior to works and must remain intact until construction is completed;
  - c) any excavation works within identified Tree Protection Zones are to be carried out by hand, with all care taken not to damage tree roots. If tree roots greater than 30mm are found during works that need to be severed, they are to be cut with a saw (not ripped);
  - d) TPZ's must be mulched to a minimum depth of 100mm using organic mulch;
  - e) fences around Tree Protection Zones must be sign posted to warn of its purpose;
  - f) Harmful Materials: the storage of materials, building waste, excavated spoil, cement or similar is not permitted within a TPZ; and
  - g) any minor pruning of trees must be carried out in accordance with Australian Standard AS 4373-2007 - 'Pruning of Amenity Trees, by a suitably qualified Arborist'.

A suitably qualified Consulting Arborist (AQF Level 5) must be in attendance to supervise tree works on site during critical stages of construction, particularly when excavation is occurring within the TPZ of trees nominated for retention.

**Reason:** To minimise disturbance to existing significant vegetation to ensure long term health.

### 32. **Sydney Water – Endorsement of Approved Plans**

The approved plans must be submitted to and endorsed by Sydney Water via the 'Sydney Water Tap-in' website to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to Sydney Water's website.

Evidence of the building plan approval must be forwarded to the Principal Certifier prior to the commencement of works.

**Reason:** To ensure the requirements of Sydney Water have been satisfied.

### **During Construction**

#### 33. **Approved Colours and Finishes**

The development must be completed generally in accordance with the approved colours and finishes.

**Reason:** To ensure compliance with the approval.

#### 34. **Tree Removal**

No trees are to be removed without Council approval.

**Reason:** To clarify the terms of the consent.

#### 35. **Construction Hours**

Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials must be carried out between the following hours:

- a. between 7am and 6pm, Mondays to Fridays inclusive;

- b. between 8am and 4pm, Saturdays;
- c. no work on Sundays and public holidays; and
- d. works may be undertaken outside these hours where:
  - i. the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
  - ii. it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
  - iii. a variation is approved in advance in writing by Council.

**Reason:** To protect the amenity of the area.

### 36. **Site Management During Construction**

The following requirements relating to site management apply during and immediately following construction:

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the Principal Certifier:
  - (i) the place to which waste materials were transported;
  - (ii) the name of the contractor transporting the materials; and
  - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
  - (i) all vehicles entering or leaving the site must have their loads covered;
  - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
  - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

**Note:** In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council must be obtained prior to any closing of the road reserve or footpath area. The closure must take place in accordance with Council's written approval. The area must be sign posted and such signposting be maintained in a way that ensures public safety at all times.

**Reason:** To ensure that construction works are appropriately managed to protect the environment and maintain public safety.

### 37. **Loading and Unloading During Construction**

The following requirements relating to loading and unloading apply during construction:

- a) All loading and unloading associated with construction activity must be accommodated on site.
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks

prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

### 38. **Critical Stage Inspections**

Prior to the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours' notice is required to be provided to allow the Principal Certifier to ensure that the critical stage inspections are undertaken.

Note: Critical stage inspections are required to be carried out in accordance with Clause 162A of the *Environmental Planning & Assessment Regulation 2000*.

**Reason:** To ensure compliance with statutory requirements.

### 39. **Overland Stormwater Flow Management**

The works associated with the development must ensure that:

- a) all natural water flow from adjoining properties is not impeded or diverted; and
- b) surface and subsurface water flows are not redirected or concentrated onto adjoining properties.

**Reason:** To ensure that existing water flows are not impeded.

### 40. **Stormwater Drainage Management**

Roof water (including overflow from water storage vessels) must be:

- a) drained to the existing drainage easement.

**Reason:** To ensure satisfactory stormwater disposal and compliance with relevant standards.

### 41. **Earthworks - General Requirements**

All earthworks on site must comply with the following:

- a) topsoil must be stripped only from approved areas and must be stockpiled for re-use during site rehabilitation and landscaping;
- b) once the topsoil has been removed the natural batter must be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
- c) filling must comprise either uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material must be provided to the Principal Certifier prior to placing any fill on site;

- d) a ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination;
- e) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing must be constructed;
- f) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes unless otherwise specified'; and
- g) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.

Note: ENM is defined by the Excavated Natural Material Exemption - NSW Environment Protection Authority.

**Reason:** To ensure that earthworks are carried out in accordance with relevant standards.

#### 42. **Approved Colours and Finishes**

The development must be completed generally in accordance with the approved colorbond roof sheeting in 'Evergreen'.

**Reason:** To ensure compliance with the approval.

#### 43. **Erosion and Sediment Control Plan – Implementation**

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved Erosion and Sediment Control Plan.

**Reason:** To ensure that construction works are managed so that contaminated runoff, siltation and degradation of waterways does not occur.

#### **Prior to Issue of Occupation Certificate**

- 44. An Occupation Certificate must be obtained from the Principal Certifier prior to commencement of use.

**Reason:** Statutory requirement.

#### 45. **Infrastructure Repair at Completion of Works**

Prior to the issue of any Occupation Certificate:

- a) all works in the road reserve must be fully completed; and
- b) any public infrastructure damaged as a result of the development must be repaired to the satisfaction of Council.

**Reason:** To ensure the maintenance of public safety.

#### 46. **Connection to Council Sewer**



A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system, is required to be submitted to the Principal Certifying Authority prior to the issue of an interim occupation certificate.

**Reason:** To ensure the requirements of Hawkesbury City Council (as the sewer authority) have been complied with and no damage to infrastructure.

## **Operational Conditions**

### **47. Hours of Operation**

The premises must operate or trade only between the following hours:

Seven days per week: 24 hours per day.

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

**Reason:** To minimise the impact on the amenity of the area.

### **48. Number of Employees**

A maximum of two volunteers/staff members are permitted on site at any one time.

**Reason:** To ensure compliance with the approval.

### **49. Car parking arrangements**

The volunteers/staff members of the site are to park within the existing car parking areas in front of the Community Nursery Entry, or the Animal Shelter.

**Reason:** To ensure compliance with the approval.

### **50. Use of facilities**

The volunteers/staff members of the approved use are to use the existing sanitary facilities within the community nursery.

**Reason:** To ensure compliance with the approval.

### **51. Security – CCTV**

A security surveillance system must be installed and operated on the premises that satisfies the following criteria:

- a) CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with particular coverage to:
  - (i) principal entrance/s and exits;
  - (ii) all of the areas within the premise occupied by the public (excluding toilets);  
and
  - (iii) the area within a 50m radius external to the public entrance(s) to the premise.
- b) A visual monitor must be installed on each level of the premise to display clear live

- security CCTV footage of that area, to the attending patrons.
- c) A visual monitor must be located at the principal entrance alerting patrons to the use of CCTV facilities.
  - d) Suitable and clearly visible signage must be displayed at the principal entrance(s) to the premises, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises". The same signage is to be attached in a prominent position on the bulkhead on each respective level of the premises.
  - e) All CCTV recording equipment and cameras are to be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras.
  - f) A fixed digital video surveillance camera is to be located at the principal entrance. Suitable signage is to be appended at the entrance, alerting potential patrons that the facility exists and will be utilised if required.
  - g) CCTV recording equipment and recordings must be retained for 30 days before being re-used, destroyed or deleted. Time and date must be auto recorded on the recording. All recordings must be handed to Council or Police upon request.
  - h) The CCTV recording equipment must be able to immediately reproduce a copy of recorded footage on demand of Council or Police Officers, or within 12 hours of the request being made.
  - i) All CCTV recording devices and cameras must be maintained by a registered security surveillance company, so as to maintain the visual quality of the recorded footage for the life of the equipment. A registered security company is defined as a company in possession of a current security licence and which installs and maintains CCTV security equipment as part of their principal activities. A copy of the maintenance agreement/contract must be furnished to Council prior to commencement of operation of the premise.
  - j) All CCTV recording devices and cameras must be checked daily to ensure the equipment is operating correctly.
  - k) All CCTV recording devices and cameras must be in operation at all times while the premises are open to the public.
  - l) The CCTV recording device must be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage.

**Reason:** To enhance public security and safety.

## 52. **Animal Facility – Management**

During the occupation and ongoing use of the development, the animal facility must be operated in accordance with the approved management plan.

The animal facility is to be managed in a clean condition to prevent the proliferation of flies, lice, fleas, and vermin; and to avoid offensive odour, dust, or drainage problems by:

- a) storing manure away from neighbouring residential uses;
- b) disposing of manure at regular intervals;
- c) managing waste water from yards, washing and composting areas to avoid sedimentation or pollution of dams, waterways and adjoining properties.

The approved Management Plan is to be maintained at the facility at all times and updated regularly.

**Reason:** To ensure that the approved activity is operated in a manner that minimises environmental impacts.

## 53. **Noise - Commercial and Industrial Premises**

The emission of noise associated with the operation of any mechanical plant and equipment shall comply with the following criteria:

- a) The LAeq (15 minute) noise level emitted from the use must not exceed the background noise level LA90 (15 minute) by more than 5dB when assessed at the boundary of any affected residence;
- b) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise;
- c) The LAeq (15minute) noise level shall be adjusted to account for any applicable corrections for annoying noise characteristics in accordance with the NSW EPA Noise Policy for Industry.

Alternatively, compliance may be demonstrated through any appropriate method detailed in EPA Noise Policy for Industry. Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NSW EPA Noise policy for Industry, unless agreed in writing by the Manager Regulatory Services.

**Reason:** To control the emission of offensive noise and protect the amenity of the area.

#### 54. **Waste Management**

During the occupation and ongoing use of the development waste is to be stored in the approved waste storage area and waste containers must:

- a) remain closed;
- b) be maintained so that they do not cause offensive odour and attract vermin;
- c) be sealed to prevent leakage; and
- d) only be washed on-site where there is a dedicated bin-washing area which drains to the sewer.

**Reason:** To ensure the provision of suitable storage facilities and appropriate management of waste.

#### 55. **Neighbourhood Amenity**

The management must ensure that the behaviour of members and visitors visiting and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management must be responsible for the control of noise and litter generated by visitors of the premises and must ensure that visitors leave the vicinity of the premises in an orderly manner.

**Reason:** To protect the amenity of the area.

#### 56. **Graffiti Removal**

The owner/lessee of the building must remove any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application in accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design'.

**Reason:** To ensure the removal of graffiti in a timely manner.

#### 57. **Protection of the Environment**

Any activity carried out in accordance with this approval shall not give rise to pollution such as odour, offensive noise or pollution of land and water as defined by the Protection of the Environment Operations Act 1997.

**Reason:** To prevent environmental pollution and satisfy legislative requirements.

58. **Operation of the Aviary**

The operation of the facility should comply with the following.

- a) The facility is to be maintained in a clean manner, and manure is to be removed from the aviary on a regular basis.
- b) Food shall only be stored indoors in vermin-proof food storage containers.
- c) Birds are to be managed so as to minimise noise to nearby neighbours.
- d) Waste is to be disposed of in an approved manner. Any waste storage on-site shall be in bins with tight fitting lids.

**Reason:** To ensure compliance with the approval.

59. **Waste Generated On-site**

All liquid and/or non-liquid waste generated on the site must be assessed and classified in accordance with the Waste Classification Guidelines (NSW Environment Protection Authority, 2014), or any superseding document, to safeguard protection of the environment and human health. Waste generated on the site can only be taken to, and accepted at, a waste facility which is lawfully authorised to receive, re-use and/or dispose of that type of waste.

**Reason:** To ensure that waste is disposed of lawfully.

**Advisory Notes (if applicable)**

(i) **Acid Sulfate Soils - Monitoring of Excavation During Works**

All excavations are to be monitored to ensure that acid sulphate soils are not encountered during works. Signs that may indicate the presence of acid sulphate soils include:

- a) change in colour of the soil into grey and green tones;
- b) effervescence;
- c) the release of sulphur smelling gases such as sulphur dioxide or hydrogen sulphide;  
and
- d) lowering of the soil Ph by at least one unit.

Should any of the above indicators be present excavation work on the site is to stop and Council is to be notified to determine what action is required to be taken before work may commence.

(ii) **Site Contamination Discovered During Demolition or Construction**

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about contamination, Council must be immediately notified and works must cease. Works must not recommence on site until an agreed management strategy is developed in consultation with Council.

(iii) **Dial Before You Dig**

Prior to commencement of work, you are required to contact the free national community service 'Dial Before You Dig' on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the

nearest cross street/road.

**(iv) Requirements of 88B Instrument**

The applicant must make themselves aware of any User Restriction, Easements and Covenants to this property and must comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

**(v) Works on Public Land - Public Liability Insurance**

Any person or contractor undertaking works on public land must take out a Public Risk Insurance policy with a minimum cover of \$10 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent.

The policy is to note, and provide protection/full indemnification for Council, as an interested party. A copy of the policy must be submitted to Council prior to commencement of any works. The policy must be valid for the entire period that the works are being undertaken.

**(vi) Utilities and Services**

Utilities, services and other infrastructure potentially affected by construction and operation must be identified prior to construction to determine requirements for access to, diversion, protection, and/or support.

Consultation with the relevant owner and/or provider of services that are likely to be affected by the proposed development must be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements must be borne by the developer.

**(vii) Signage**

A separate development application is to be submitted and approved for the erection of any signage on the site.

The signage development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.