



Civic Centre
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BLACKTOWN

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NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION Environmental Planning and Assessment Act, 1979 (Section 4.18)

Skl Planning
PO Box 159
ROUND CORNER NSW 2158

Determination Number:
DA-20-00980

Property Description: Lot 619 in DP 28022 No. 8 Tallawong Avenue BLACKTOWN

Development: Demolition of garage, alterations and additions to health consulting room and change to the practice to create 3 consultation rooms.

Determination: *Under Section 4.16 of the Act Council advises that the Development Application has been determined by:*

- Granting of consent subject to the conditions on the following pages.

BY DELEGATED AUTHORITY - DIRECTOR CITY PLANNING AND DEVELOPMENT

Right of Appeal

Section 8.7 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority a right of appeal to the Land and Environment Court. Section 8.7 does not apply to State significant development or development that has been subject to a Commission of Inquiry.

Review of Determination

Section 8.3 of the Act provides that an applicant may request the Council to review the determination. Section 8.3 does not apply to complying development, designated development, integrated development, or a determination made by Council under Division 8.2 of the act in respect of Crown applications.

Note: This Consent is generally valid for a period of 5 years effective from the date of this Notice, unless specified otherwise by Sections 4.20 and 4.53 of the Act, or by conditions of this Consent.

Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per 

2 August 2021

1 **ADVISORY NOTES**

1.1 **Terminology**

1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.

1.1.2 Any reference in this consent to a Construction, Compliance or Occupation Certificate is a reference to a certificate as defined in Section 6 of the Environmental Planning and Assessment Act 1979.

1.1.3 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

1.2 **Other Approvals**

1.2.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.

1.2.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
- (c) the erection of any business identification signage not being 'Exempt Development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
- (d) Any changes to the approved development not outlined within this consent.

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

1.3 **Services**

1.3.1 The applicant is advised to consult with:


- (a) Sydney Water Corporation Limited
- (b) Energy Provider
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the

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location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

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

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

- 1.3.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting Dial Before You Dig service in advance of any construction or planning activities.
- 1.3.3 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.
- 1.3.4 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.


1.4 Identification Survey

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

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1.5 **Environmental Health**

- 1.5.1 Consult with the DECC regarding the registration of diagnostic imaging (x-ray) apparatus.
- 1.5.2 Consult with an appropriately qualified radiation consultant for advice on shielding for the diagnostic imaging (x-ray) apparatus.

2 **GENERAL**

2.1 **Scope of Consent**

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

| Drawing No. (Prepared by FYFFE Design) | Dated | Council's Reference |
|---|-----------|---------------------|
| DA02 Issue 5 Site Plan | 22/1/2021 | D21/430859 |
| DA04 Issue 5 Floor Demolition Plan | | |
| DA05 Issue 5 Proposed Floor Plan | | |
| DA06 Issue 5 Accessibility Floor Plan | | |
| DA07 Issue 5 Elevations | | |
| DA08 Issue 5 Sections | | |
| DA09 Issue 5 Roof and Rear Parking Plan | | |

** unless modified by another condition of this consent.*

- 2.1.2 This consent authorises the use of the premises for the following purpose, subject to full compliance with all other conditions of this consent:

Health consulting rooms

2.2 **Health consulting rooms**

- 2.2.1 Approval is granted for 3 health consulting rooms. However, only 2 consulting rooms shall be used at any given time and shall comply with the approved operating times. No more than 5 staff members (including no more than 2 health care professionals) are permitted to operate on site within the approved health consulting rooms at any one time in accordance with the conditions of this consent. Any changes to the number of staff will need further separate approval and will require additional on-site car parking.
- 2.2.2 The lower ground floor (as indicated on DA05 Issue 5 Proposed Floor Plan dated 22 January 2021) is to be used and maintained only as a residence and shall not be used for any other purpose.

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2.2.3 This consent does not authorise the sale or display of goods for retail to the general public.

2.3 Compliance with BASIX Certificate

2.3.1 All commitments listed in Basix Certificate A380909_02 dated 23 June 2020 held at D20/362900 in Council's file shall be complied with. If outside of validity, the BASIX certificate is to be re-issued.

2.4 Other Matters

2.4.1 No construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

3.1.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Access/Parking

4.1.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.

4.1.2 Provision is to be made for 6 onsite car parking spaces. These spaces are to be designed having minimum clear dimensions in accordance with Australian Standard 2890.1.

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

4.1.4 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1. The disabled car space is to be labelled accordingly.

4.1.5 Signage is to be provided to indicate the availability of on-site visitor car parking spaces and staff car parking spaces and shall clearly delineate the spaces allocated for resident, medical practitioner and the client visitors.

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5 **PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)**

5.1 **Building Code of Australia Compliance**

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

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which:
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

5.1.2 The structural alterations to the building shall not unduly reduce or compromise:

- (a) the existing level of fire protection afforded to persons accommodated in or resorting to the building, or
- (b) the existing level of resistance to fire of the building, or
- (c) the existing safeguards against the potential spread of fire to adjoining buildings.

5.2 **Building Additions**

5.2.1 The design of the building addition or attachment shall not compromise the Building Code of Australia structural design criteria of any portion of the existing building.

5.3 **Existing Building Upgrade - Smoke Alarms**

5.3.1 In accordance with Clause 94 (2) of the Environmental Planning and Assessment Regulation 2000;

- a. A hold open device is to be provided to the exit door in accordance with Section D of the NCC and emergency lighting and exit signs are to be provided in accordance with Section E of the NCC.

5.3.2 In accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2000;


- b. A Portable fire extinguisher and sign shall be provided and located along the path of travel near the reception / waiting room and upper waiting room in accordance with AS2444:2001. The fire extinguisher shall be a minimum of 2.5kg and be suitable for use on Class A, B & E fires.

5.3.3 Further, a Fire Safety Schedule specifying the fire safety measures (both current and proposed for the subject building) forms an attachment to this Development Consent.

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5.4 **Final Inspection**

5.4.1 A final inspection must be carried out by Council's Building Surveyor once the required building upgrades have been carried out. An inspection fee in accordance with Council's Fees and Payment Schedule must be paid prior to the inspection.

6 **PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)**

6.1 An acoustic assessment must be provided which is carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.

6.2 A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:

- a) does not exceed an L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured
 - at the most effected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
- b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

6.2.1 All works carried out shall comply with the requirements of;


- *Radiation Control Act 1990*
- *Radiation Control Regulation 2003*
- *Radiation Guideline 6- Registration requirements & industry best practice for ionising radiation apparatus used in diagnostic imaging 2004*

6.2.2 The walls and floor of the premises are to be constructed with an approved durable, smooth, impervious material capable of being easily cleaned.

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7 **PRIOR TO DEVELOPMENT WORKS**

7.1 **Safety/Health/Amenity**

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

Each toilet provided shall be:

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

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

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

This condition does not apply to:

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

7.2 **Notification to Council**

7.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

7.3 **Sydney Water Authorisation**

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

OR

These conditions are imposed for the following reasons:

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The approved plans are to be submitted to a Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For further information please refer to the 'Developing Your Land' section of the website: www.sydneywater.com.au, or telephone 1300 082 746 for assistance.

8 PRIOR TO DEMOLITION WORKS

8.1 Safety/Health/Amenity

- 8.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.
- 8.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 8.1.3 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

- (a) a standard flushing toilet, and
- (b) connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided 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 Council.

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

8.2 Tree Protection

Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage.


8.3 Other Matters

- 8.3.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work.

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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The letter shall be distributed at least 2 days prior to the intended work and include the following information:

- date/s, hours and duration of the works.
- contact name and phone number of the applicant
- contact name and phone number of the licensed demolisher
- SafeWork NSW contact number 131050, and email address contact@safework.nsw.gov.au

9 DURING DEMOLITION


9.1 Safety/Health/Amenity

- 9.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the works "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 9.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 9.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 9.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 9.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 9.1.6 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable SafeWork NSW requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2005 (if applicable)
- 9.1.7 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 9.1.8 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.

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- 9.1.9 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.
- 9.1.10 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.
- 9.1.11 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014).
- 9.1.12 Any asbestos material is to be handled and treated in accordance with the WorkCover document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.

9.2 Nuisance Control

- 9.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the demolition works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 9.2.2 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7 am and 6 pm, Monday to Friday, and 8 am to 1 pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.
- 9.2.3 The waste material sorting, storing and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of the demolition works.

10 DURING CONSTRUCTION (BUILDING)


10.1 Safety/Health/Amenity

- 10.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 10.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulation 2000 indicating:
- (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and

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(c) stating that unauthorised entry to the work site is prohibited.

10.1.3 Building and construction materials, plant, equipment and the like shall not be placed or stored at any time on Council's footpath, roadway or any public place.

10.2 Building Code of Australia Compliance

10.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

10.3 Nuisance Control

10.3.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

10.3.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm Mondays to Fridays, 8.00am to 1pm Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

10.4 Stormwater Drainage

10.4.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:

- (a) the floor level being a minimum 225mm above the adjoining finished ground level, and/or
- (b) being drained to an effective drainage system.
- (c) if draining to kerb use an approved kerb outlet and sewer grade PVC or RHS

10.5 Waste Control

10.5.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

10.6 Construction Inspections


10.6.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

- (a) After excavation for, and prior to placement of, any footings; and
- (b) Prior to pouring any in-situ reinforced concrete building element; and
- (c) Prior to the covering of the framework for any floor, wall roof or other building

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- element, and prior to covering waterproofing in any wet areas; and
- (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
 - (e) Prior to covering any stormwater drainage connections; and
 - (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

Any inspection conducted by an accredited other than the nominated PCA for the project must be verified by way of a Compliance Certificate issued for the relevant works.

Note: Failure to ensure the relevant inspections are conducted will preclude the issue of an Occupation Certificate.

11 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

- 11.1 A designated hand washbasin is to be provided within the activity area. The hand washbasin shall be provided with a supply of hot and cold water through an approved mixing device with a single spout.
- 11.2 The finish on all surfaces within the professional consulting room development shall be constructed of a durable, smooth, impervious material capable of being easily cleaned.
- 11.3 The walls immediately behind the hand washbasin and sink are to be tiled to a height of 450mm and for a distance of 150mm on either side of the basin and sink.
- 11.4 The premises must be provided with washing, drainage, and ventilation facilities that are adequate for the carrying out of the activity.

12 COMPLETION OF DEMOLITION WORKS


12.1 Hazardous Materials and Waste

- 12.1.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the SafeWork NSW under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be lodged with Council.

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13 **PRIOR TO OCCUPATION CERTIFICATE**

13.1 **Compliance with Conditions**

13.1.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

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

13.2 **Temporary Facilities Removal**

13.2.1 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

13.2.2 Any temporary builder's sign or other site information sign shall be removed from the land.

13.3 **Parking and Driveways**

13.3.1 All required internal driveways shall be sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

13.3.2 Appropriate signage is to be provided indicating the location of the visitor parking within the property so that clients / visitors are encouraged to park onsite instead of on the street.

13.4 **Fire Safety Certificate**


13.4.1 An interim or final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

13.4.2 A final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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Per 
Blacktown City Council
2 August 2021

14 **OPERATIONAL (PLANNING)**

14.1 **Access/Parking**

- 14.1.1 A minimum of 6 on-site line marked car parking spaces are to be made available for staff and visitors of the health consulting rooms. All required off-street car parking spaces and internal driveways shall be maintained and line-marked to a standard suitable for the intended purpose.
- 14.1.2 All staff and visitors associated with health consulting rooms shall be advised to utilise the allocated car parking spaces available on site for the use. A sign is to be displayed in a prominent location inside the premises (i.e. waiting room) to request that patients use the on-site car parking available in order to minimise potential disturbances to the neighbourhood.
- 14.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standard 2890.1.
- 14.1.4 All loading and unloading operations shall take place at all times wholly within the confines of the land.


14.2 **General**

- 14.2.1 No goods, materials, or trade waste shall be stored at any time outside the building on either the internal vehicular driveway, car parking area, landscaping or footpath, other than in approved garbage receptacles.
- 14.2.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 14.2.3 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 14.2.4 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 14.2.5 The use of the land is not to interfere with the amenity of the residential area.
- 14.2.6 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 14.2.7 No nuisance or interference with the amenity of the area shall be created by reason of any process or operation on the land causing the emission of noise, dust, smoke or any polluted discharge whatsoever. Note: The Protection of the Environment Operations Act 1997 requires Council to investigate complaints where only one person complains.

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14.2.8 The hours of operation of the health consulting rooms are to occur within the hours and days nominated below:

Monday to Friday: 8:00am to 8:00pm
Saturday and Sunday: 8:00am to 2:00pm
Public holidays: Closed

Should Council receive justified complaints that the health consulting rooms are operating outside these hours, or is causing noise and disturbance or any other adverse impacts on the amenity to the neighbouring residents, then Council will be required to investigate, which may result in the commencement of enforcement proceedings in the event of non-compliance.

14.2.9 No more than 2 health consulting rooms are permitted to operate at any given time. The 3 rooms cannot be used concurrently. No more than 5 staff members including no more than 2 health care professionals are permitted on site within the approved health consulting rooms at any one time in accordance with the conditions of this consent.

Note: The restriction to permit only 2 medical practitioners to operate within 2 consulting rooms at any one time is a result of insufficient provision of on-site car parking to meet Council's parking requirements for 3 consultation rooms to operate concurrently.

14.2.10 All client visitation shall be conducted on an 'appointment only' basis and clients shall be advised to utilise available on-site parking, rather than parking on the street. Client visitation is to be restricted to no more than one client per health care professional on the premises at any one time. In this regard, sufficient time must be provided between appointments to avoid clients overlapping.

14.2.11 Client visitation in the last hour of operation (i.e. 7.00pm – 8.00pm) shall be limited to ensure that clients are not left waiting to see the health professional after the permitted hours of operation specified under Condition 14.2.8 of this consent.

14.2.12 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:

(a) the erection of any business identification signage not being 'Exempt Development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.


14.3 Landscaping

14.3.1 All existing landscaped areas provided in accordance with previous approvals on site shall be maintained at all times in a suitable manner.

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14.4 Use of Premises

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

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

- (a) Granted consent by Council's Notice of Determination, or
- (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

14.5 Emergency Procedures

14.5.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed on the premises for both public and staff information at all times to the satisfaction of Council.

15 OPERATIONAL (ENVIRONMENTAL HEALTH)

15.1 Public Health

15.1.1 The premises shall be maintained in accordance with the requirements of:
- Public Health Act 2010
- Public Health Regulation 2012

15.2 Environmental Management


15.2.1 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.

15.2.2 A post commissioning report must be produced by an acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) within 3–6 months of the proposed development operating to validate the Acoustic reports findings. The report is to be submitted to Council to review.

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- 15.2.3 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 15.2.4 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 15.2.5 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 15.2.6 All cleaning of medical and surgical instruments and equipment shall comply with the requirements of: Australian Standard 4815:2001: *Office-based health care facilities not involved in complex patient procedures and processes - Cleaning, disinfecting and sterilizing reusable medical and surgical instruments and equipment, and maintenance of the associated environment.*
- 15.2.7 The premises shall be maintained in accordance with the requirements of;
- *Radiation Control Act 1990*
 - *Radiation Control Regulation 2003*
 - Radiation Guideline 6-Registration requirements & industry best practice for ionising radiation apparatus used in diagnostic imaging 2004
- 15.2.8 All waste shall be stored suitably and disposed of by an appropriate waste contractor. Under no circumstances is waste from the activity to be disposed of through Council's waste collection services.
- 15.2.9 Upon commencement of trading the proprietor must notify Council of the Skin Penetration Activity.
- 15.2.10 The hand wash basin must be supplied with an adequate supply of antibacterial liquid soap and disposable paper towels.

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Telephone: 9839 6000

DX 8117
PO Box 63
BLACKTOWN 2148

FIRE SAFETY SCHEDULE

Environmental Planning and Assessment Regulation 2000, clause 168

Application Type/Number:

DA-20-00980

Location of Premises:

Lot 619 DP 28022 No. 8 Tallawong
Ave, Blacktown

Property Number/s:

Type of Building:

Class 5 Health Consulting Rooms

The following essential fire safety measures shall be provided to the minimum standard of performance indicated:

Required to be Implemented

| | |
|-----------------------------|---|
| Portable Fire Extinguishers | AS 2444-2001, NCC E1.6 |
| Emergency Lighting | AS 2293.1-2005, E4.2, E4.3, E4.4 of the NCC |
| Exit Signs and Lighting | AS 2293.1-2005, E4.5 – E4.8 of the NCC |

KERRY ROBINSON
CEO

Per:.....

Date: