

**REPORT TO GEORGES RIVER COUNCIL  
IHAP MEETING OF 21 JUNE 2016**

<b>IHAP Report No</b>	Item 4	<b>Development Application No</b>	DA2014/1197
<b>Site Address &amp; Ward Locality</b>	10 Lawrence Street Peakhurst Peakhurst Ward		
<b>Proposal</b>	Construction of a three storey child care centre for 48 children with basement car parking		
<b>Report Author/s</b>	Senior Development Assessment Officer, Ms T Gizzi		
<b>Zoning</b>	Zone R3 - Medium Density Residential		
<b>Date of Lodgement</b>	23 December 2014		
<b>Owner</b>	Tarek and Mariam Ibrahim		
<b>Applicant</b>	Tarek and Mariam Ibrahim		
<b>Submissions</b>	Multiple submissions were received from three (3) properties opposing the development		
<b>Cost of Works</b>	\$680,000.00		
<b>Issues</b>	Submissions received and variations to DCPI		
<b>Recommendation</b>	That the application be approved in accordance with the conditions included in the report		

**Site Plan**



## **EXECUTIVE SUMMARY**

1. Development consent is sought for construction of a three (3) storey child care centre to accommodate forty eight (48) children.
2. A variation to the number of storeys control in Hurstville Development Control Plan No 1 – LGA Wide is proposed. Having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, an assessment of the variation has found the development to be satisfactory and acceptable for the reasons stated in this report.
3. The application was notified in accordance with the Development Control Plan No 1. Multiple submissions were received from three (3) properties opposing the development. The issues raised have been summarised in this report and are not considered to warrant refusal of the application.

## **AUTHOR RECOMMENDATION**

THAT the application be approved in accordance with the conditions included in the report.

## **REPORT DETAIL**

### **DESCRIPTION OF THE PROPOSAL**

Development consent is sought for construction of a three (3) storey child care centre with basement parking. Details of the centre are as follows:

Number of children:	Forty eight (48) children comprising: <ul style="list-style-type: none"><li>• 0-2 years: twenty (20) children</li><li>• 2-3 years: eight (8) children</li><li>• 3-5 years: twenty (20) children</li></ul>
Staff:	Nine (9) staff
Hours of operation:	7.30am to 6.00pm Monday to Friday
Parking:	Ten (10) spaces provided (five (5) parents spaces and five (5) staff spaces) within a basement car park. All spaces are tandem with staff parking at the rear. Four (4) bike racks are also provided.

The layout of the building is outlined below:

Basement:	Parking for ten (10) vehicles, four (4) bike racks, laundry and waste room.
Ground Floor:	Indoor play room for 3-5 year olds, associated bathrooms, entrance, admin office and kitchen. Outdoor play area for 3-5 years at ground level.
First Floor:	Indoor play room for 0-2 year olds, associated bathrooms and cot rooms. Terrace provided for outdoor play area for 0-2 year olds.
Second Floor:	Staff room, meeting room, consulting room, staff bathroom and storage. Outdoor terrace provided for staff use only.

## **HISTORY**

23 Dec 14	Application lodged
19 Jan 15	Stop the clock letter sent. Applicant advised residential dwelling at second floor level is not permissible.
25 Feb 15	Amended plans received and residential dwelling at second floor level deleted and converted to child care centre office space
19 Mar 15	Application notified
30 Jun 15	Application renotified.
1 Jul 15	Applicant advised of issues
24 Sep 15	Additional information provided
30 Oct 15	Amended plans notified
15 Jan 16	Applicant advised of outstanding issues
22 Feb 16	Amended plans received

## DESCRIPTION OF THE SITE AND LOCALITY

The subject site is known as 10 Lawrence Street Peakhurst and is located on the eastern side of the street. The site has a frontage of 20.42m narrowing to 12.19m at the rear. The total site area is 596.5sqm and the site falls 1m towards the street.

Currently occupying the site is a single dwelling house. Adjoining the site to the north and to the east (rear) are two (2) storey attached dual occupancies. To the south of the site there is also a two (2) storey dual occupancy fronting Trafalgar Street, however as it is a corner site the rear yards of those dwellings face the proposed child care centre.

The area is characterised by new three (3) storey residential flat buildings and older two (2) storey dual occupancies and multi dwelling housing developments.

## COMPLIANCE AND ASSESSMENT

The development has been inspected and assessed under the relevant Section 79C(1) "Matters for Consideration" of the Environmental Planning and Assessment Act 1979.

### 1. Environmental Planning Instruments

#### **HURSTVILLE LOCAL ENVIRONMENTAL PLAN 2012**

The extent to which the proposal complies with the relevant standards of Hurstville Local Environmental Plan 2012 is outlined in the table below.

Clause	Standard	Assessment Under HELP 2012
Part 2 – Permitted or Prohibited Development	R3 Medium Density Residential Zone	The proposal is defined as a child care centre. Child care centres are permissible in the zone.
	Objectives of the Zone	The proposal complies with the objectives of the zone
4.3 – Height of Buildings	12m as identified on Height of Buildings Map	10.7m
4.4 – Floor Space Ratio	1:1 as identified on Floor Space Ratio Map	0.74:1
5.9 – Preservation of trees or vegetation	Consent is required for pruning or removal of specified vegetation	There are no significant trees located on the site. The street trees in front of the site are proposed to be retained.
5.9AA – Trees or vegetation not prescribed by Development Control Plan	Any tree or vegetation to be removed that is not specified in DCP No.1	No removal of exempt species is proposed.
6.7 – Essential Services	The following services that are essential for the development shall be available or that adequate arrangements must be made available when required:  * Supply of water, electricity and disposal and management of sewerage	Adequate facilities for the supply of water and for the removal of sewage and drainage are available to this land

	* Stormwater drainage or on-site conservation	Appropriate stormwater disposal is proposed
	* Suitable vehicular access	Suitable driveway proposed.

**STATE ENVIRONMENTAL PLANNING POLICY NO 55 - REMEDIATION OF LAND**

Clause 7(1)(a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site is unlikely to be contaminated. However, a condition is recommended that a contamination report be undertaken prior to the commencement of works to confirm the site is suitable for the development.

**GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO 2 – GEORGES RIVER CATCHMENT**

The site is within the area affected by the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment. The proposal, including the disposal of stormwater, is consistent with Council’s requirements for the disposal of stormwater in the catchment.

**2. Draft Environmental Planning Instruments**

No Draft Environmental Planning instruments affect the proposed development.

***Any other matters prescribed by the Regulations***

The Regulations prescribe the following matters for consideration for development in the Hurstville Council area:

Demolition

Safety standards for demolition and compliance with AS 2601 - 2001 apply to the demolition of any buildings affected by the proposal.

**3. Development Control Plans**

**DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.1 CAR PARKING**

The application is accompanied by a report entitled Traffic and Parking Assessment (prepared by Terraffic Pty Ltd, dated 11 February 2016). The report identifies that the proposed car parking area complies with the relevant Australian Standards in terms of car space size and manoeuvring areas for pick up and drop off movements. The proposed development complies with the car parking provisions of Section 3.1 as follows.

<b>Section 3.1</b>	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.1.2.1 (table) – Child care centres	1 space per 2 staff (9 staff) = 5 car spaces  Short term drop off and pick up spaces at 1 space per 10 children (single access driveways) (48 children) = 5 car spaces  Total required = 10 car spaces	Total provided: 10 car spaces in a tandem arrangement (5 for staff at rear and 5 for parents drop off at the front)	Yes

**DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.3 ACCESS AND MOBILITY**

<b>Section 3.3</b>	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
Access requirements	Access for all persons through the principal entrance and access to appropriate sanitary facilities in accordance with the BCA and relevant Australian Standards	Access provided to all areas of the child care centre and sanitary facilities provided	Yes
Accessible car spaces	1 space per 20 spaces or part thereof, where parking areas have more than 20 spaces but less than 50 spaces	As less than 20 spaces are provided. Disabled parking is not required.	N/A

**DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.4 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

<b>Section 3.4</b>	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
Fencing	Allows natural surveillance to street	Fencing proposed is appropriate and provides appropriate surveillance around the site and to the street	Yes
Blind Corners	To be avoided	No blind corners evident	Yes
Communal Areas	Provide opportunities for natural surveillance	Windows of the indoor play areas, cot room, and offices provide surveillance	Yes
Entrances	Clearly visible and not confusing	The entry to the child care centre is clearly defined	Yes
Site and Building Layout	<ul style="list-style-type: none"> <li>- Provide surveillance opportunities</li> <li>- Building addresses street</li> <li>- Offset windows</li> </ul>	<p>Surveillance opportunities provided.</p> <p>The building addresses both street frontages.</p> <p>Only existing windows face the adjoining property.</p>	Yes
Lighting	<ul style="list-style-type: none"> <li>- Diffused/movement sensitive lighting provided externally</li> <li>- Access/egress points illuminated</li> <li>- No light spill towards neighbours</li> <li>- Hiding places illuminated</li> <li>- Lighting is energy efficient</li> </ul>	Can be conditioned to satisfy these requirements, should the application be approved	Yes
Landscaping	<ul style="list-style-type: none"> <li>- Avoid dense medium height shrubs</li> <li>- Allow spacing for low growing dense vegetation</li> <li>- Low ground cover or high canopy trees around car parks and pathways</li> </ul>	Appropriate landscaping is proposed along the street frontage	Yes
Building Identification	<ul style="list-style-type: none"> <li>- Clearly numbered buildings</li> <li>- Entrances numbered</li> <li>- Unit numbers provided at entry</li> </ul>	Can be conditioned to satisfy these requirements, should the application be approved	Yes
Security	Provide an appropriate level of security	Sufficient level of security provided	Yes

Ownership	Use of fencing, landscaping, colour and finishes to imply ownership	Landscaping, front porch and driveways indicate ownership	Yes
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**DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE - SECTION 3.5 ENERGY EFFICIENCY**

The provisions of Section 3.5 relating to solar access to adjoining developments apply to the proposed development. The subject site has a north eastern/south western orientation with the rear yards of the dual occupancy located on the corner of Lawrence Street and Trafalgar Street being located to the south east. Although the proposed building is three (3) storeys in height, the adjoining developments will receive minimum 3 hours solar access between 9am and 3pm on 21 June in accordance with the Development Control Plan.

**DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.7 DRAINAGE AND ON SITE DETENTION**

The subject slopes to the street and as such the proposed development can drain to the street via gravity.

Council’s Development Engineer has raised no objection to the application, subject to conditions of consent being attached to any consent granted. The conditions of consent include a requirement for the provision of on site detention in accordance with the Development Control Plan.

**DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE - SECTION 3.8 FENCES ADJACENT TO PUBLIC ROADS**

The proposed front fence is 1m in accordance with the Development Control Plan. A 2.5m high by 3m entrance feature is also proposed as part of the front fence over the pedestrian entry. The feature is of an open style and would have no detrimental visual impact on the streetscape. The entrance feature is considered acceptable.

**DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.9 WASTE MANAGEMENT**

A basic waste management plan has been provided which satisfies the requirements of Section 3.9. The detailed waste management plan will be required to be submitted prior to the issue of the Construction Certificate via a condition of consent.

**DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.11 PRESERVATION OF TREES AND VEGETATION**

The application has been designed to retain the street tree at the front of the site.

**DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE - SECTION 5.4 CHILD CARE CENTRES**

The proposed child care centre has been assessed against the requirements of Section 5.4 of Council’s Development Control Plan No 1 – LGA Wide as shown below.

<b>Childcare Centre</b>	<b>Standard</b>	<b>Proposed</b>	<b>Complies</b>
5.4.5.1 Locational Criteria	Should be located close to community focal points	The site is located approximately 130m from Peakhurst Park	Yes
	Minimum site area of 500sqm	596.5sqm	Yes
	Minimum 15m frontage where parking is provided at basement level	20.42m	Yes
	Sites must not have a property boundary to a state road	The site does not adjoin a state road	Yes
	Site must be at least 300m away from telecommunications towers, large over-head power wires, any other inappropriate area	Overhead electricity wires are present across the front of the site but are not the large wires referred to in the clause. There are no telecommunications towers or other inappropriate structures or uses within 300m of the site.	Yes
	Approval will not be given to sites which are less than 55m from an LPG above ground gas tank or tanker unloading position	The site is not located near an LPG tank or tanker unloading position	Yes
	Analysis of existing and/or potential site contamination	As the previous use of the site was for residential purposes, no significant contamination is likely to be present on the site. However a condition is recommended requiring the completion of a contamination report prior to the Construction Certificate.	Yes, subject to condition
	Approval will not be given to sites located within cul-de-sacs or closed roads	The site is not located within a cul-de-sac or closed road	Yes
	Child care centres are not to be located on bushfire or flood prone land, or located adjoining drug clinics or other inappropriate land uses	The site is not bushfire or flood prone land and is in residential zone with no inappropriate land uses	Yes
Proposals must be accompanied by a Traffic Impact Statement provided by a qualified Consultant	A Traffic Impact Statement prepared by Terraffic Pty Ltd was submitted with the application	Yes	
5.4.6 Cumulative Impacts from Centres within Residential Areas	Only one (1) child care centre is permitted at an intersection	No other child care centres are located at the intersection	Yes
	Child care centres will not be permitted on land adjoining any other existing or approved child care centre	The site does not adjoin any other existing or approved child care centres	Yes
	Only one (1) child care centre is permitted per street block	No other child care centre is located on the same block	Yes
5.4.8 Size of Centres and	A maximum of 60 children permitted in the R3 Zone	48 children	Yes



Child Age Groups	Minimum number of places within the 0-2 year age group is to be the same as the % of 0-2 year olds in the under 5 years population at most recent census - 35%	41.6%	Yes
5.4.9.1 Height	Maximum two storeys in R3 Zone	Three (3) storeys	No (1)
5.4.9.2 Setbacks	Front Setback – minimum 6m	6m to wall of building	Yes
	Side Setback – minimum 0.9m for ground level 1.5m for upper storey	0.9m at ground floor level 1.5m first and second floor level (0.9m to first floor outdoor play area however setbacks are measured to the wall)	Yes
	Rear Setback – minimum 6m	6m	Yes
5.4.9.3 Relationships to Adjoining Properties	<p>Impacts of the following to be considered:</p> <ul style="list-style-type: none"> <li>• Play areas – indoor and outdoor</li> <li>• Windows and doors (particularly those associated with indoor play areas)</li> <li>• Verandahs</li> <li>• Point of entry</li> <li>• Pick-up and drop-off points</li> <li>• Any plant equipment which may be required within the context of the centre</li> <li>• Openings such as windows and doors should not correspond with existing opening on adjoining properties</li> </ul>	<p>The proposed development would not have significant impacts on the amenity of adjoining properties.</p> <p>The applicant has submitted an Acoustic report which indicates the development will satisfy the relevant criterion.</p> <p>To minimise the impact of the development, 1.6m high privacy screens are proposed along the sides of the first floor outdoor play area and also the second floor terrace. It is recommended that a condition also be imposed requiring that an additional screen be provided along the eastern (rear) edge of the first floor outdoor play area.</p> <p>There are minimal windows located in the side elevations of the building at first and second floor levels. The windows that are in these elevations are limited to highlight windows or serve bathrooms only.</p> <p>The location of the building entry and also the basement entrance is satisfactory.</p> <p>The development is designed to appropriately relate to adjoining properties.</p>	Yes

5.4.9.4 Solar Design and Energy Efficiency	A minimum of 3 hours sunlight between 9am and 3pm is to be maintained to adjoining private open space, habitable rooms and solar collectors	Satisfactory	Yes
5.4.9.5 Building Detail	The design of the centre must provide strong visual links between indoor and outdoor spaces	Strong visual links are provided through the use of glazed sliding doors between the indoor and outdoor play areas	Yes
5.4.9.6 Building Colours	No bright colours are permitted. A schedule of colours and materials is to be submitted.	Satisfactory	Yes
5.4.10.1 Parking and Driveway	1 space for every 2 staff members + 1 space per 10 children  5 spaces for staff 5 spaces for children  10 required	10 provided  (including 5 tandem spaces with staff spaces against the wall)	Yes
	Vehicles must be able to enter and leave the site in a forward direction	Front in-front out access provided	Yes
	Bike racks must be provided on site	4 bike racks proposed	Yes
	Landscaping and paving design associated with driveways must achieve the following:  <ul style="list-style-type: none"> <li>• Pedestrian safety and visibility</li> <li>• Level, hard surface from vehicles to entry point</li> <li>• Satisfactory manoeuvrability for disabled persons and/or prams</li> <li>• Clear delineation between driveway and yard areas</li> </ul>	Satisfactory	Yes
	A "Neighbourhood Parking Policy" and a "Motor Vehicle and Pedestrian Risk Assessment Report" must be submitted for Council's consideration	The submitted Traffic Report considers pedestrian safety and on street parking. The Traffic Report was assessed by Council's Senior Traffic Engineer and found to be acceptable.	Yes
	Physical demarcation is required to be provided between pedestrians and vehicular access ways to ensure pedestrian safety	Provided	Yes

5.4.10.2 Traffic Considerations	Council to consider traffic and safety impacts	A Traffic Report was submitted with the application. The report has been reviewed by Council's Senior Traffic Engineer and found to be acceptable.	Yes
	Consideration of traffic impacts between 7.30am-9.00am and 3.30pm-6.00pm	The submitted Traffic Report includes survey data and an assessment of the traffic impacts during the peak periods. The analysis has found that there would be negligible impact on the local road network.	Yes
5.4.10.3 Access for Persons with Limited Mobility	A 1m wide landscaped area is required to be provided along the front setback	Extensive landscaping provided within the front setback exceeding 1m in width	Yes
	Disabled access is to be provided from the street to the main entrance	A ramp is provided from the street frontage to the main entrance	Yes
	Disabled access ramp is to be provided to the playground areas	Level access to playground areas is provided	Yes
5.4.11.1 Tree Preservation and Planting	A 1m wide landscaped area is required to be provided along the front setback	Extensive landscaping provided within the front setback exceeding 1m in width	Yes
	Screen planting is to be provided along the side boundaries	Satisfactory	Yes
5.4.11.3 Drainage	Play areas must be capable of rapid clearance of surface water	Satisfactory	Yes
5.4.12.1 Indoor Spaces	Area for administration, private consultation and staff respite	Extensive staff room and meeting room facilities are provided on Level 2	Yes
	3.5sqm unencumbered space per child	Complies	Yes
5.4.12.2 Outdoor Spaces	7sqm per child	Complies	Yes
	Must receive 2 hours sunlight during operating hours	More than 2 hours sunlight achieved	Yes
	Play area must not include areas with a width of less than 2.5m	All areas more than 2.5m in width	Yes
	Min 15m long lawn space	14m outdoor play area provided. However, the design of outdoor play areas is now governed by licensing regulations which this child care centre will be required to satisfy. The overall required outdoor open space is provided and the 14m length of the play area is acceptable.	Acceptable
	Should generally include the following:  Open area of 1/3 – 1/2 of the playground area	Subject to conditions requiring compliance with licensing requirements	Yes, subject to condition

	Quiet area of 1/4 – 1/3 of the playground area		
	Active area of 1/3 of the playground area		
	2.5sqm per child to be covered	Appropriate shading provided	Yes
	Sandpits to be designed meet controls	Sand areas provided to external play areas which are subject to the relevant requirements of the regulations	Yes, subject to condition
	Not to be located forward of the building line	The outdoor play area is at the rear of the site	Yes
5.4.12.13 Verandahs	Verandahs are to be equal to 1.25sqm per child and covered = 23.75sqm	The first floor terrace is the outdoor play area for 20 children and exceeds the verandah requirements of the DCP. Where the DCP requires 1.25sqm per child to be provided, 7sqm per child to be accommodated at first floor level is provided.  Of this, more than 1.25sqm per child is covered.	Yes
5.4.12.4 Signage	N/A	N/A - No signage proposed	N/A
5.4.12.5 Entry and Security Requirements	Legible entry points to be located within the view of the main office	Clear defined, legible entry points. Office has a clear view of the entrance door.	Yes
	Playground to be fenced	Complies	Yes
	Gates or opening devices to be fitted with a childproof latch or self locking device	Complies	Yes
5.4.13.1 Toilet Facilities	1 toilet per 8 children 1 junior toilet or adult toilet with a step (48 children) = 6	Total = 6 provided  The allocation of bathrooms across the 2 floors is uneven with more toilets provided at ground floor level than first floor level. The ground floor toilet provision exceeds that required for children downstairs. The first floor level has less toilets provided however as this floor is for 0-2 year olds a number of the children will be in nappies. The allocation of toilets is therefore acceptable.	Yes
	1 disabled toilet for a child	1 disabled toilet provided	Yes
	1 toilet per 6 staff = 2 required	Complies	Yes
	1 staff shower	Not provided but sufficient space available at second floor level. Required as a condition of consent.	Yes, subject to condition

	Bathrooms to be a min. 12sqm + an additional 2.5sqm per toilet where more than 3 in one bathroom.	Ground floor = 11sqm First floor = 14sqm  The ground floor bathroom is marginally undersized being 11sqm instead of 12sqm. Even so, the functionality of the bathroom is not compromised and it will also be subject to licensing requirements. As such, it is acceptable.	Acceptable
5.4.13.2 Staff Rooms and Office	Min. 12sqm + 2sqm per staff member over 6 staff = 18sqm	Complies	Yes
	Outdoor staff facilities to be provided	Provided	Yes
	Office to be provided	Provided	Yes
5.4.13.3 Cot Rooms	Must include 1 cot per 2 children under 2 years (max 5 cots per room) = 10 cots required	10 cots provided in 2 rooms	Yes
5.4.13.4 Nappy Change Area	A separate nappy change room is to be provided for children under 3 years	Nappy change facilities provided. These will be required to comply with the relevant licensing requirements.	Yes
	Separate bottle preparation area to be provided	A separate area is provided for the preparation of bottles	Yes
5.4.13.5 Storage	8sqm of storage per playroom is to be provided = 16sqm	Each playroom is provided with small storage such as under bench storage, lockers and shelving to equal a total of 8sqm per room	Yes
5.4.13.6 Laundry	Minimum 10sqm	12sqm	Yes
5.4.13.7 Rubbish Removal	Waste storage area minimum 3m x 1m and not visible from the street	Waste storage area in the basement 2m x 4m	Yes
5.4.13.9 Craft Preparation Facilities	One sink separate to the food preparation area is to be provided	Separate sinks provided at ground floor level.  Craft sinks to be provided at first floor level by condition.	Yes, subject to condition
5.4.13.9 Food Preparation Facilities	Separate designated area to be provided	Kitchen provided which meets the requirements of the DCP	Yes
5.4.13.10 Pools	N/A	N/A	N/A
5.4.13.11 Heating and Cooling Equipment	Heating and cooling equipment to be safely located	No details provided of heating and cooling equipment provided. However the location of such equipment will be required to comply with the regulations and also the submitted acoustic report.	Yes, subject to conditions
5.4.13.12 Play Equipment	Play equipment must not constitute a hazard	Play equipment will be subject to licensing requirements	Yes, subject to compliance with regulation

5.4.13.13 Hours of Operation	Max. 7am – 6.30pm	Mon – Fri: 7.30am – 6.00pm	Yes
5.4.14.1 Visual Privacy	Provide screenings by trees, fencing and window coverings to minimise noise and overlooking impacts	A 1.8m high solid boundary fence will be constructed along the side and rear boundaries of the site to protect the neighbours from the outdoor play area and ground floor windows.  At first and second floor levels, windows in side elevations have been limited to highlight windows or bathroom windows to minimise amenity impacts. 1.6m high privacy screens are also proposed along the sides of each terrace.  Given the above, the proposal will not result in significant visual or acoustic privacy impacts.	Yes
	Locate any playground equipment at least 3m from any boundary with a residential property	Subject to condition	Yes, subject to condition
5.4.14.2 Acoustic Amenity	Acoustic Report to be provided	An Acoustic Report has been provided by Rodney Stevens Acoustics. The report has been assessed by Council's Environmental Health Officer and is supported.	Yes
5.4.14.3 Fencing	Min.1.2m high	1.8m high fencing	Yes

<b>Stormwater Assessment</b>	
Existing Stormwater System	Gravity to street
Proposed Stormwater System	Gravity to street
Stormwater objectives for development type met?	Yes
Slope to rear (measured centreline of site)	Yes
Gravity to street (from property boundary to street kerb)?	Yes
Discharge into same catchment?	Yes
Easement required?	No

### (1) Height (Storeys)

Clause 5.4.9.1 – Height, limits the height of child care centres in the R3 Zone to two (2) storeys. The proposed child care centre is three (3) storeys in height.

The applicant has provided the following justification.

*'Section 5.4.9 of DCP No. 1 permits a maximum of two (2) storeys for child care centres within the R3 zone... the proposed child care centre has three (3) storeys and therefore does not comply with Section 5.4.9 of the DCP. The proposed third storey will be accessible to staff only, with all children and parents limited to the ground and first floor only. The objectives of Section 5.4.9 of DCP No. 1 are as follows:*

- *“Appropriate scale and building design that is sympathetic to the streetscape character.*
- *A high level of amenity to adjoining and surrounding properties.*
- *Buildings take into account the natural environment, topography, street hierarchy, urban form and adjoining development.*
- *Ensure no bright colours on building finishes.”*

*The proposed development complies with the above stated objectives of Section 5.4.9, as follows:*

- *the streetscape contains buildings of between one (1) and three (3) storeys and the provision of a three (3) storey building will result in a form and appearance which is sympathetic to the character of the locality. It is noted that the proposal complies with the maximum 12m height Development Standard contained in LEP 2012;*
- *DCP No. 1 permits three (3) storey residential development at the site, and hence, the scale of the proposed building is consistent with that envisaged by Council’s controls;*
- *the proposal complies with the maximum permissible FSR, resulting in a density which is consistent with that envisaged by Council’s controls;*
- *the proposal does not result in any unreasonable adverse amenity impacts in relation to neighbouring properties, as discussed immediately below;*
- *the proposed development has been designed having regard to the topography of the site. The proposed ground floor slab is generally at existing ground level, so as to minimise the apparent height of the proposed new building;*
- *the proposed second floor level has been designed with a smaller floorplate than the levels below, so as to minimise the bulk and scale of the proposal, and associated amenity impacts;*
- *the siting, setbacks and general form of the proposed development respect the character and form of the adjoining development and other buildings in the locality;*
- *Lawrence Street is undergoing gradual transformation, with older dwellings being replaced by large new dwellings, multi-dwelling housing and residential flat buildings. Council’s current planning controls permit a maximum height of 12m and three (3) storeys for residential development, such that the streetscape is anticipated to gradually change to accommodate development of a higher density and increased height, similar to that proposed by this DA; and*
- *the proposed external colours, materials and finishes are relatively muted, and will relate appropriately to the streetscape.’*

The applicant’s justification is supported. The variation to height is considered acceptable for the following reasons:

- The three (3) storey form of the development is consistent with the changing character of the Peakhurst R3 zone and would complement the character and appearance of the streetscape.
- The height of the building complies with the 12m height limit for the site under Hurstville Local Environmental Plan 2012.

- The proposal has been designed so that the second floor level is solely used for staff and meeting purposes and will not be used for the children.
- The primary operations of the child care centre which are likely to be of most impact are limited to the ground floor and first floor levels, which would be consistent with a compliant development.
- The design has incorporated measures such as privacy screens along the first floor terrace, and limiting openings in the side elevations to preserve the amenity of the adjoining properties.
- The height of the building does not result in any significant amenity impacts including overshadowing, privacy or acoustic impacts.

#### **4. Impacts**

##### ***Natural Environment***

The proposed excavation for the basement is acceptable subject to conditions requiring the submission of a geotechnical report and dilapidation reports prior to commencement.

The application has also been designed to retain the street tree in front of the site, and landscaping is also proposed along the front boundary and side boundaries of the property.

The proposed drainage system is also satisfactory.

On the above basis, the proposed development will not result in any unreasonable impacts on the natural environment.

##### ***Built Environment***

The proposed development is unlikely to have an adverse impact on the built environment. The proposed development seeks a variation to the requirements of Development Control Plan No 1 in terms of number of storeys as detailed in the report however the variation does not result in any significant impacts and is acceptable. In terms of bulk and scale, although three (3) storeys, the building is consistent with other recent development in the locality and is actually smaller than a number of residential flat buildings recently approved in the area. The development would also not result in any significant overshadowing, privacy impacts or amenity impacts on adjoining properties.

The development has also been assessed in terms of parking and traffic generation and found to be acceptable.

Consequently the proposed development would not result in a significant impact on the built environment.

##### ***Social Impact***

It is considered that the proposed child care centre will provide a service that is in demand in the Hurstville LGA and benefit the community. The applicant has submitted traffic and acoustic reports which support the proposal and demonstrate that impacts are minimal. The issues raised by residents in the submissions received are detailed in the report and do not warrant refusal of the application.



## ***Economic Impact***

The proposal will provide employment opportunities within the area which will in turn encourage economic growth. The proposed child care centre will provide an in-demand facility to the area and as such the proposal is unlikely to have a detrimental impact on the local economy.

## ***Suitability of the Site***

The subject site has no impediments that preclude it being developed for a child care centre. Subject to conditions, the site is considered suitable for the proposed for the reasons contained within the report.

## **5. REFERRALS, SUBMISSIONS AND THE PUBLIC INTEREST**

### **Resident**

The application was notified and advertised on three (3) occasions to twenty three (23) residents. In total, multiple objections were received from three (3) properties.

The final set of amended plans were not renotified as no greater environmental impact was generated and amendments were internal only.

The concerns raised in the submissions are addressed below.

### ***Traffic, Parking and Safety***

Comment: Parking has been provided on site in accordance with Development Control Plan No 1. Council's Senior Traffic Engineer and Manager Infrastructure Planning have assessed the application and raised no objections on traffic, parking or safety grounds.

### ***Decrease in Property Value***

Comment: Property values are not a material planning consideration under Section 79C of the Environmental Planning and Assessment Act, 1979.

### ***Overlooking/Loss of privacy***

Comment: As previously discussed, the proposed development has incorporated mitigation measures to preserve the privacy of neighbouring properties. Windows in side elevations are minimal and are either highlight windows or bathroom windows of little impact. Privacy screens are proposed along the sides of each terrace, and a condition is recommended for inclusion of an additional screen along the rear edge of the first floor outdoor play area. An outdoor stair is proposed adjacent to the northern side boundary to provide access from the first floor level outdoor play area to the ground floor level however this is for emergency use only and is not likely to result in a significant privacy impact.

### ***Noise Impact/Loss of Residential Amenity***

Comment: Council's Environmental Health Officer has undertaken a detailed assessment of the application including the acoustic report and raised no objections to the proposal subject to conditions of consent. Further the proposed hours of operation between 7.30am and 6.00pm Monday to Friday are not considered to significantly interrupt the amenity of the neighbouring occupiers.

## ***Height***

Comment: The proposed development complies with the maximum building height limit under Hurstville Local Environmental Plan. The proposal is three (3) storeys contrary to provisions for child care centres in Development Control Plan No 1, however for the reasons provided earlier in this report, the additional storey is acceptable in this instance and supported.

## ***Side Setbacks***

Comment: The proposed development complies with the setback requirements of Development Control Plan No 1 with a 0.9m setback at ground floor level and 1.5m to the first and second floor levels. It is noted that small architectural features and first floor play area are between 0.9m – 1.2m from the side boundary, however as the setbacks are measured to the wall of the building, the application remains compliant. As has been discussed throughout this report, the application would not have any significant impacts on the amenity of the adjoining properties and is acceptable.

## ***Zone Not Suitable***

Comment: Concerns have been raised that the proposed child care centre use is inconsistent with the R3 Medium Density Residential Zone. Child care centres are a permissible use in the R3 zone and the site is considered suitable for the development.

## ***Overshadowing***

Comment: The proposal complies with Council's requirements of achieving at least 3 hours solar access to adjoining properties, the most affected properties to the south will continue to receive 3 hours solar access between 12pm to 3pm during Winter Solstice to the principal private open space.

## **Council Referrals**

### ***Manager Infrastructure Planning and Senior Traffic Engineer***

Council's Manager Infrastructure Planning and Senior Traffic Engineer has both assessed the proposal at various stages of the assessment. Following receipt of the amended plans, they have now advised that no objections on traffic, parking or safety grounds are raised.

### ***Development Engineer***

Council's Development Engineer has raised no objections to the proposed application subject to conditions requiring the provision of onsite detention.

### ***Manager Children's Services***

Council's Manager Children's Services has raised no objections to the development.

### ***Environmental Health Officer***

Council's Environmental Health Officer has assessed the application including a review of the acoustic report and raised no objections subject to conditions.

## 6. CONCLUSION

Development consent is sought for construction of a three (3) storey building for use as a child care centre for forty eight (48) children.

Having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, although there is a variation to the Hurstville Development Control Plan No 1 – LGA Wide, the proposal is considered satisfactory and acceptable for the reasons stated in this report.

The application was notified in accordance with the Development Control Plan, submissions were received from three (3) properties objecting to the development. The issues raised have been summarised in this report and are not considered to warrant refusal of the application.

Accordingly, it is recommended that development consent be granted subject to the conditions below.

## DETERMINATION

THAT pursuant to Section 80(2) of the Environmental Planning and Assessment Act, 1979, as amended, the Council, grants development consent to Development Application DA2014/1197 for construction of a three storey building comprising a child care centre for forty eight (48) children and basement car parking on Lot 114 DP 36368 and known as 10 Lawrence Street, Peakhurst, subject to the following conditions:

1. GEN1001 - **Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Reference No.	Date	Description	Revision	Prepared by
1.2	12/02/16	Roof and Site Plan	F	Tecton Group
1.3	12/02/16	Basement Floor Plan	F	Tecton Group
1.4	12/02/16	Ground Floor Plan	F	Tecton Group
1.5	12/02/16	First Floor Plan	F	Tecton Group
1.6	12/02/16	Second Floor Plan	F	Tecton Group
2.1	12/02/16	Western Elevation	F	Tecton Group
2.2	12/02/16	Northern Elevation	F	Tecton Group
2.3	12/02/16	Southern Elevation	F	Tecton Group
2.4	12/02/16	Eastern Elevation	F	Tecton Group
2.5	12/02/16	Section A-A	F	Tecton Group
2.6	12/02/16	Front Fence Elevation	F	Tecton Group
14-2917 LO1	16/02/16	Landscape Plan	A	Zenith Landscape Designs
14-2917 LO2	16/02/16	Landscape Plan	A	Zenith Landscape Designs
-	09/02/16	Emergency Management Plan	1.1	Gregory Muir
-	11/02/16	Traffic and Parking Assessment Report	-	Terraffic Pty Ltd
-	9/12/14	Acoustic Report	-	Rodney Stevens Acoustics

2. GEN1002 - **Fees to be paid to Council** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable **at the time of payment.**

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

**Please contact Council prior to the payment of Section 94 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.**

**Form of payment for transactions \$500,000 or over - Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable)**

- (a) Fees to be paid:

**Fee types, bonds and contributions**

<b>Fee Type</b>
Long Service Levy (to Long Service Corporation)
Builders Damage Deposit
Inspection Fee for Refund of Damage Deposit

**The following fees apply where you appoint Council as your Principal Certifying Authority (PCA). (If you appoint a private PCA, separate fees will apply)**

PCA Services Fee	\$1,784.00
Construction Certificate Application Fee	\$1,784.00
Construction Certificate Imaging Fee	\$172.00

Fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

3. GEN1014 - **Long Service Levy** - Submit evidence of payment of the Building and Construction Industry Long Service Leave Levy to the Principal Certifying Authority. Note this amount is based on the cost quoted in the Development Application, and same may increase with any variation to estimated cost which arises with the Construction Certificate application. To find out the amount payable go to [www.lspc.nsw.gov.au](http://www.lspc.nsw.gov.au) or call 131441. **Evidence of the payment of this levy must be submitted with the Construction Certificate application.**
4. GEN1016 - **Damage Deposit - Major Works** - In order to insure against damage to Council property the following is required:
- (a) Payment to Council of a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$1,500.00.**

- (b) Payment to Council of a non refundable inspection fee to enable assessment of any damage and repairs where required: **\$140.00.**
- (c) At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.
- (d) Prior to the commencement of work a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal, shall be submitted to Council
- (e) Payments pursuant to this condition are required to be made to Council before the issue of the Construction Certificate.
- (f) Fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

#### **SEPARATE APPROVALS UNDER OTHER LEGISLATION**

These conditions have been imposed to ensure that the applicant is aware of any separate approvals required under other legislation, for example: approvals required under the Local Government Act 1993 or the Roads Act 1993.

#### **5. APR6001 - Engineering - Section 138 Roads Act and Section 68 Local Government Act 1993**

**Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.**

A separate approval is required to be lodged and approved under **Section 138 of the Roads Act 1993** and/or **Section 68 of the Local Government Act 1993** for any of the following activities carried out in, on or over a public road (including the footpath):

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve; and
- (k) Stormwater and ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the **Construction Certificate**.

The relevant Application Forms for these activities can be downloaded from Hurstville City Council's website at: [www.hurstville.nsw.gov.au](http://www.hurstville.nsw.gov.au)

For further information, please contact Council's Customer Service Centre on (02)9330 6222.

6. **APR6003 - Engineering - Vehicular Crossing - Major Development** - The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:
- (a) Construct a 1.50 metre wide x 80mm thick concrete path for the full length of the frontage of the site in Lawrence Street in accordance with Council's Specifications for footpaths.
  - (b) Construct a 150mm thick concrete vehicular crossing reinforced with F72 fabric in accordance with Council's Specifications for vehicular crossings.
  - (c) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the beneficiary of this consent and in accordance with Council's *Specification for Vehicular Crossings and Associated Works*. The work shall be carried out by a private contractor, subject to Council approval.

Constructing a vehicular crossing and/or footpath requires **separate approval** under **Section 138 of the Roads Act 1993**, prior to the issue of the Construction Certificate.

To apply for approval:

- (a) Complete the *Driveway Crossing on Council Road Reserve Application Form* which can be downloaded from Hurstville Council's Website at: [www.hurstville.nsw.gov.au](http://www.hurstville.nsw.gov.au)
- (b) In the Application Form, quote the Development Consent No. (eg. 2012/DA-\*\*\*\*) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with Vehicular Crossing applications.

Please note, that an approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out by a private contractor in accordance with Council's *Specification for Vehicular Crossings and Associated Works* prior to the issue of the Occupation Certificate.

#### **REQUIREMENTS OF OTHER GOVERNMENT AGENCIES**

These conditions have been imposed by other NSW Government agencies either through their role as referral bodies, concurrence authorities or by issuing General Terms of Approval under the Integrated provisions of the Environmental Planning and Assessment Act 1979.

7. **GOV1008 - Sydney Water - Section 73 Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Plumbing, Building and Developing section of Sydney Water's website to locate a Water Servicing Coordinator in your area. Visit: [www.sydneywater.com.au](http://www.sydneywater.com.au)

A "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The "Notice of Requirements" must be submitted prior to the commencement of work.

8. **GOV1009 - Sydney Water - Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act must be submitted to the Principal Certifying Authority prior to the issue of the Occupation/Subdivision or Strata Certificate.
9. **GOV1006 - Sydney Water - Trade Waste Agreements** - A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the **Construction Certificate**.

#### **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

These conditions either require modification to the development proposal or further investigation/information prior to the issue of the Construction Certificate to ensure that there is no adverse impact.

10. **CC2001 - Development Assessment - Erosion and Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
- (a) Compliance with the approved Erosion and Sediment Control Plan
  - (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
  - (c) all clean water run-off is diverted around cleared or exposed areas
  - (d) silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
  - (e) all erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
  - (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
  - (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
  - (h) Compliance with Managing Urban Stormwater - Soils and Construction (Blue Book) produced by Landcom 2004.

These measures are to be implemented before the commencement of work (including demolition and excavation) and must remain until the issue of the Occupation Certificate.

11. **CC2003 - Development Assessment - Construction Site Management Plan** - A Site Management Plan must be submitted with the application for the Construction Certificate, and must include the following measures:

- location of protective site fencing;
- location of site storage areas/sheds/equipment;
- location of building materials for construction, e.g. stockpiles
- provisions for public safety;
- dust control measures;
- method used to provide site access location and materials used;
- details of methods of disposal of demolition materials;
- method used to provide protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/skip bins;
- details of proposed sediment and erosion control measures;
- method used to provide construction noise and vibration management;
- construction traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be retained on site and is to be made available upon request.

12. **CC2004 - Development Assessment - Design Changes** - The following design changes are required and are to be incorporated into the plans to be lodged **with the Construction Certificate application**.

- a. A 1.6m high privacy screen is to be constructed along the rear edge of the first floor outdoor play area. The screen is to match the screens provided along the sides of the outdoor play area as detailed on the approved plans.
- b. A staff shower is to be provided at second floor level.
- c. An additional sink is to be provided within the first floor level indoor play area for craft purposes.
- d. Play equipment is to be located 3m from the side and rear boundaries.

These design changes are to be incorporated into the plans and submitted for approval **with the Construction Certificate Application**.

13. **CC2004 - Development Assessment - Design Changes - Stormwater** - The following design changes are required and are to be incorporated into the plans to be lodged **with the Construction Certificate application**.

- (a) The submitted concept hydraulic plan shall be amended to provide a point of stormwater discharge to the street gutter clear of the vehicle crossing and fully contained within the frontage of the development site. These design changes are to be incorporated into the Detailed Hydraulic Plans submitted for approval **with the Construction Certificate Application**.



14. **CC2030 – Contamination Report** – A preliminary contamination report is to be completed by a qualified person and submitted to the Certifying Authority prior to the issue of the Construction Certificate. Any recommendations of the report are to be included in the Construction Certificate documentation.
15. **CC3001 - Development Engineering - Stormwater System** - The submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

All stormwater shall drain by gravity to Council's kerb and gutter directly in front of the development site in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2003 (as amended).

The design of this proposed drainage system must be prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) and be submitted for approval **with the Construction Certificate application**.

16. **CC3002 - Development Engineering - Stormwater Systems with Basement** - The submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

The underground basement car park must pump to and all other stormwater must drain by gravity to the street gutter.

The design of the proposed drainage system must be prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) and be submitted for approval **with the Construction Certificate application**.

17. **CC3004 - Development Engineering - Stormwater Drainage Plans (By Engineer Referral Only)** - The submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, **shall accompany the application for the Construction Certificate**.

18. **CC3005 - Development Engineering - On Site Detention** - The submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

An on-site detention (OSD) facility designed by a professional hydrological/hydraulic engineer, shall be installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) Peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden, at Annual Recurrence Intervals of 2 years and 100 years.

Refer to Flow Controls in Council's Draft/Adopted Stormwater Drainage Policy.

- (b) The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

*"This is an on-site detention basin/tank and is subject to possible surface overflow during heavy storms."*

Full details shall accompany the application for **the Construction Certificate**

19. **CC3012 - Development Engineering – Pump-Out System Design for Stormwater Disposal** - The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria: -

- (a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the 1 in 20 year storm;
- (b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Engineering details demonstrating compliance and certification from an appropriately qualified and practising civil engineer shall be provided with the application for the Construction Certificate.

20. **CC3018 - Development Engineering - Stormwater – Protection of basement from inundation of stormwater waters** - The submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

A crest is to be provided in the driveway, and driveway ramp retaining walls constructed to levels that provide protection of the underground basement from the inundation of surface waters in a 1:100yr ARI storm event.

Evidence from an appropriately qualified person that this design requirement has been adhered to shall be submitted **with the Construction Certificate application**.

21. **CC4019 - Health - Food Premises - Plans and Specifications** - Details of the construction and fit out of food premises must be submitted to Council's Environmental Health Officer. The plans and specifications must demonstrate compliance with the:

- *Food Act 2003* (as amended);
- *Food Regulation 2010* (as amended);
- *Food Standards Code* as published by Food Standards Australia;

- New Zealand and Australian Standard AS4674:2004 *Design, Construction and fit out of food premises (as amended)*;
- Sydney Water - trade Waste Section.

Council's Environmental Health Officers' must advise in writing that the plans and specification are considered satisfactory prior to the issue of any Construction Certificate.

22. CC4022 - **Health - Food Premises - Waste Facility** - Details of the construction and fit out of the waste facility of the food premises must be submitted to Council's Environmental Health Officers for approval. Such details must demonstrate compliance with the *Food Act 2003 (as amended)*, *Food Regulation 2010 (as amended)*, the *Food Standards Code* as published by Food Standards Australia and New Zealand and Australian Standard AS 4674:2004 *Design, construction and fit out of food premises (as amended)*.) and must be:

- (a) provided with a hose tap connected to the water supply;
- (b) paved with impervious floor materials;
- (c) coved at the intersection of the floor and the walls;
- (d) graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- (e) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
- (f) fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

Council's Environmental Health Officers' must advise in writing that the plans and specification are considered satisfactory prior to the issue of any Construction Certificate.

23. CC4024 - **Health** - A hand wash basin must be provided within the kitchen with a supply of hot and cold water through a single spout. A supply of liquid soap and single use towels is to be provided adjacent to the hand wash basin.

24. CC5002 - **Trees – Tree Protection & Retention** - The following trees shall be retained and protected:

- (a) The Brushbox (*lophostemon confertus*) street tree located directly in front of the site.

All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site. The tree protection measures must be undertaken in accordance *AS4970 -2009 Protection of trees on development sites*. Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 4 or above in Arboriculture) and must be retained thorough all stages of construction.

25. CC6004 - **Engineering - Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be **designed and** constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).

26. **CC7001 - Council as PCA - Plans required to demonstrate compliance with BCA** - Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:
- (a) Access and Egress provisions in accordance with Parts D1 & 2.
  - (b) Access and sanitary facilities for persons with disabilities.
  - (c) Energy efficiency report.
  - (d) Kitchen Exhaust System.
  - (e) Fire services and equipment including fire extinguishers and exit signs.
  - (f) Smoke hazard management system and associated alarm systems.
  - (g) Protection devices for all openings within 3m of a fire source feature.
  - (h) Provision of natural light and ventilation.
  - (i) Fire resistance levels of all building elements including linings to walls, floors and ceilings.
27. **CC7002 - Building - Fire Safety Measures prior to Construction Certificate** - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a Certifying Authority. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or Certifying Authority will then issue a Fire Safety Schedule for the building.
28. **CC7004 - Building - Structural details** - Structural plans and specifications prepared and endorsed by a suitably qualified practising structural engineer who holds the applicable Certificate of Accreditation as required under the Building Professionals Act 2005 shall be submitted along with the Construction Certificate application to the Certifying Authority for any of the following, as required by the building design:
- (a) piers
  - (b) footings
  - (c) slabs
  - (d) structural steel
  - (e) reinforced building elements
  - (f) structural framework
29. **CC7007 - Building - Engineer's Certificate** - A certificate from a practicing qualified Structural Engineer certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**
30. **CC7008 - Building - Access for Persons with a Disability** - Access to and throughout the premises and sanitary facilities for persons with disabilities must be provided in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application.

31. **CC7010 - Building – Geotechnical report - Geotechnical Reports** - The applicant must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted **before the issue of the Construction Certificate** and is to include:
- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
  - (b) Dilapidation Reports on the adjoining properties including, but not limited to all properties with a boundary adjoining the site prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the Certifying Authority and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
  - (c) On-site guidance by a vibration specialist during the early part of excavation.
  - (d) Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
  - (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.
32. **CC7011 - Building - Slip Resistance - Commercial, Retail and Residential Developments** - All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate. Details of compliance must be submitted with the application for the Occupation Certificate.
33. **CC8001 - Waste - Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site, clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Principal Certifying Authority and copy provided to the Manager - Environmental Services, Hurstville City Council prior to the issue of any Construction Certificate.
34. **CC8007 - Waste - Waste Storage Containers - Child Care Centre** - All waste and recycling containers shall be stored in an approved waste storage area, located in an area of the site that is satisfactory for these purposes. Facilities are to be provided in accordance with any requirements of the NSW Department of Community Services.

Details of the Waste Storage Area must be illustrated on the plans submitted with the application for the Construction Certificate.

### **PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION AND EXCAVATION)**

These conditions have been imposed to ensure that all pre-commencement matters are dealt with and finalised prior to the commencement of work.

35. **PREC2001 - Building regulation - Site sign - Soil and Erosion Control Measures -** Prior to the commencement of works (including demolition and excavation), the durable site sign issued by Hurstville City Council in conjunction with this consent must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
36. **PREC6001 - Engineering - Dial before your dig -** The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council's Engineers for their records.
37. **PREC7001 - Building - Registered Surveyors Report - During Development Work -** A Registered Surveyors report must be submitted to the Principal Certifying Authority at each of the following applicable stages of construction:
  - (a) Set out before commencing excavation.
  - (b) Completion of Floor Slab Formwork - Before pouring of concrete slab/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
  - (c) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the Principal Certifying Authority is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

38. **PREC7002 - Building - Utility Arrangements -** Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the developer's expense.

### **DURING WORK**

These conditions have been imposed to ensure that there is minimal impact on the adjoining development and surrounding locality during the construction phase of the development.

39. **CON2001 - Development Assessment - Hours of construction, demolition and building related work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity shall be permitted to be performed on any Sunday, Good Friday, Christmas Day or any Public Holiday. A penalty infringement notice may be issued for any offence.

In addition to the foregoing requirements, construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall be prohibited on Saturdays and Sundays on weekends adjacent to a public holiday.

40. **CON2002 - Development Assessment - Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved separately by Council.
41. **CON6002 - Engineering - Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act and/or under Section 68 of the Local Government Act 1993. Penalty Infringement Notices may be issued for any offences and severe penalties apply.
42. **CON7001 - Building - Structural Engineer's Certification during construction** - The proposed childcare facility must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of Construction or prior issue of the Occupation Certificate.
43. **CON8001 - Waste - Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt whatsoever or in association with the work on site. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the Principal Certifying Authority and a copy provided to the Manager Environmental Services, Hurstville City Council.

#### **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

These conditions have been imposed to ensure that all works have been completed in accordance with the Development Consent prior to the issue of the Occupation Certificate.

44. **OCC2006 - Development Assessment – Post Construction Dilapidation report – Private Land** - At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

(a) All properties with a common boundary to the site.

The report is to be prepared at the expense of the beneficiary of the consent and submitted to the Principal Certifying Authority (PCA) prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damaged has occurred to the adjoining premises, the PCA, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

45. **OCC3001 - Development Engineering - Positive Covenant for On-site Detention Facility** - A Positive Covenant is to be created over any on-site detention facility.

This covenant is to be worded as follows:

*"It is the responsibility of the lots burdened to keep the "On-Site Detention" facilities, including any ancillary pumps, pipes, pits etc, clean at all times and maintained in an efficient working condition. The "On-Site Detention" facilities are not to be modified in any way without the prior approval of Council."*

Hurstville City Council is to be nominated as the Authority to release, vary or modify this Covenant.

The Positive Covenant shall be registered at the NSW Department of Lands prior to the issue of a Final Occupation Certificate.

46. **OCC3002 - Development Engineering - Works as Executed and Certification of Stormwater works** - Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

A works-as-executed drainage plan and certification must be forwarded to the Principal Certifying Authority and Hurstville City Council, from a suitably qualified and experienced Hydraulic Consultant/Engineer.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the Certifying Authority.

The works-as-executed drainage plan must prepared by a suitably qualified and experienced Hydraulic Engineer in conjunction with a Registered Surveyor and the works-as-executed plan must include the following details (as applicable):

- (a) The location of any detention basin/s with finished surface levels;
- (b) Finished site contours at 0.2 metre intervals (if applicable)
- (c) Volume of storage available in any detention areas;
- (d) The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- (e) The orifice size/s (if applicable);



- (f) Details of any infiltration/absorption systems; and (if applicable);
  - (g) Details of any pumping systems installed (including wet well volumes).(if applicable)
47. **OCC3011 - Development Engineering - Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the Principal certifying Authority (PCA) prior to the issue of the Occupation Certificate:
- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
  - (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
  - (c) Construct any new vehicle crossings required.
  - (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
  - (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
48. **OCC4013 - Health - Food Premises - Inspection and Registration** - Prior to the issue of any Occupation Certificate or occupation or use of any food premises:
- (a) An inspection of the fit out of the Food Premises must be arranged with Council's Environmental Health Officer;
  - (b) a satisfactory final inspection must have been undertaken by Council's Environmental Health Officer; and
  - (c) the Food Premises must notify and register with Hurstville City Council of its business details.
49. **OCC4014 - Health - Food Premises - Noise from mechanical plant and equipment** - Noise from the operation of mechanical, equipment, ancillary fittings, machinery, mechanical ventilation system and/or refrigeration systems must not give rise to offensive noise as defined under the Protection of the Environment Operations Act 1997 (as amended) and will comply with the noise intrusion criteria as defined under the NSW Industrial Noise Policy published by the Environment Protection Authority.
- A professional acoustic engineer shall be engaged to certify that the design and construction of the all sound producing plants and equipment associated with the building complies with the above requirements. Certification shall be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.
50. **OCC2007 - Development Assessment - Allocation of car parking spaces** – Ten (10) parking spaces are to be maintained on site at all times. Five (5) spaces are to be allocated for parent drop off/pickup and five (5) spaces for staff as detailed on the approved plans.

51. **OCC7001 - Building - Fire Safety Certificate before Occupation or Use** - In accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the Regulation. The Fire Safety Certificate must be in the form required by Clause 174 of the Regulation. In addition, each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate must state:

(a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.

(b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given (by the owner) to the Commissioner of Fire and Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

52. **OCC2005 - Development Assessment - Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.

53. **OCC6002 - Engineering – Vehicular crossing & Frontage work – Major development** - The following road frontage works shall be constructed in accordance with Council's, *Specification for Vehicular Crossings and Associated Works* together with the *Vehicular Crossing Approval* issued by Council's Engineering Services Division:

(a) Construct a 1.50 metre wide x 80mm thick concrete path for the full length of the frontage of the site in Lawrence Street in accordance with Council's Specifications for footpaths.

(b) Construct a 150mm thick concrete vehicular crossing reinforced with F72 fabric in accordance with Council's Specifications for vehicular crossings.

(c) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the beneficiary of this consent and in accordance with Council's *Specification for Vehicular Crossings and Associated Works*. The work shall be carried out by a private contractor, subject to Council approval.

A private contractor shall carry out the above work, at the expense of the beneficiary of this consent and in accordance with Council's *Specification for Vehicular Crossings and Associated Works*.

The driveway and road frontage works are to be completed **before the issue of the Occupation Certificate**.

54. **OCC4006 - Health - Noise from Mechanical plant and equipment** - Noise from the operation of mechanical, equipment, ancillary fittings, machinery, mechanical ventilation system and / or refrigeration systems must not give rise to offensive noise as defined under the *Protection of the Environment Operations Act 1997 (as amended)* and will comply with the noise intrusion criteria as defined under the *NSW Industrial Noise Policy* published by the Environment Protection Authority.

A professional acoustic engineer shall be engaged to certify that the design and construction of all sound producing plants and equipment associated with the building complies with the above requirements. Certification shall be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

## **ONGOING CONDITIONS**

These conditions have been imposed to ensure that the use or operation of the development does not adversely impact on the amenity of the neighbourhood or environment.

55. **ONG2001 - Development Assessment - Child Care Centre - Staff to Child Ratios** - The licensee of a centre based or mobile children's service must ensure that the ratio of primary contact staff to children being provided with the service is:

(a) 1:4 in respect of all children who are under the age of 2 years, and,

(b) 1:5 in respect of all children who are 2 or more years of age but under 3 years of age, and

(c) 1:10 in respect of all children who are 3 or more years of age but under 6 years of age.

If a centre based or mobile children's service is being provided to a group of children who are not all in the same age bracket, the licensee of the service must ensure that the ratio of primary contact staff to children in the group is the ratio specified in subclause (a)-(c) for the age bracket in which the youngest child in the group belongs.

56. **ONG2002 - Development Assessment - Hours of operation** - The approved hours of operation shall be restricted to 7.30am to 6.00pm Monday to Friday with no operation permitted on weekends or public holidays.

57. **ONG2009 - Development Assessment - Child and Staff Numbers** - The child care centre is approved to a maximum occupancy of forty eight (48) children and nine (9) staff members during the approved hours of operation.

58. **ONG4002 - Health - Final Acoustic Report - Verification of Noise report** - Within three (3) months from the issue of an Occupation Certificate, an acoustical assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's Industrial Noise Policy and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the use of the Child Care Centre does not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997 (as amended).

59. **ONG4011 - Health - Noise Control** - The use of the premises must not give rise to the transmission of 'offensive noise' to any place of different occupancy. 'Offensive noise' is defined in the Protection of the Environment Operations Act 1997 (as amended).

60. **ONG4017 - Health - Lighting - General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill.

61. ONG4019 - **Health - Storage of goods outside buildings** - There shall be no storage of any goods external to the building with the exception of waste receptacles.
62. ONG4043 - **Health - Food premises - Maintenance of food premises** - The food premises must be maintained in accordance with the Food Act 2003 (as amended), Food Regulation 2010 (as amended); the Food Standards Code as published by Food Standards Australia and New Zealand and Australian Standard AS 4674-2004 - Construction and fit out of food premises (as amended).
63. ONG4044 - **Health - Food premises – Noise control** - The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended).
64. ONG4046 - **Health - Food premises - Garbage Odour** - A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined under the provision of the Protection of the Environment Operations Act, 1997 (as amended).
65. ONG4047 - **Health – Storage of goods** - There shall be no storage of any goods external to the building with the exception of waste receptacles.
66. ONG4049 - **Health - Smoke Free legislation** - The premises must comply with the Smoke Free Environment Act 2000 (as amended).
67. ONG4050 - **Health - Restricted use** - No amplified equipment or live bands permitted in the outdoor play area at any time.
68. ONG6002 - **Engineering - Loading and Unloading of vehicles** - All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within a dedicated loading dock/area.
69. ONG6003 - **Engineering - Entering and Exiting of vehicles** - All vehicles shall enter and exit the premises in a forward direction.
70. ONG7004 - **Building** - Noise levels emitted from any plant, machinery, mechanical exhaust system or any outdoor air conditioning unit must not exceed the background noise level in any octave band when measured at any point on the boundary of the site.
71. ONG7005 - **Child Care Centre Use** - The proposal must adequately satisfy all legislative and industry requirements relating to the child care use at all times.
72. ONG4018 - **Health - Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

No vegetation, article, building material, waste or the like shall be ignited or burnt whatsoever or in association with the work on site.

73. **ONG7002 - Building - Annual Fire Safety Statement** - In accordance with Clause 177 of the Environmental Planning and Assessment Regulation, 2000 the owner of the building premises must cause the Council to be given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:
- (a) Within twelve (12) months after the date on which the fire safety certificate was received.
  - (b) Subsequent annual fire safety statements are to be given within twelve (12) months after the last such statement was given.
  - (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation, 2000.
  - (d) A copy of the statement is to be given to the Commissioner of Fire and Rescue NSW, and a further copy is to be prominently displayed in the building.
74. **ONG2003 - Development Assessment - Maintenance of Landscaping** - All trees and plants forming part of the landscaping must be maintained on an ongoing basis. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control and any other operations required to maintain healthy trees, plants and turfed areas.

#### **ADVICE**

This advice has been included to provide additional information and where available direct the applicant to additional sources of information based on the development type.

75. **ADV2002 - Development Assessment - Site Safety Fencing** - Site fencing must be erected in accordance with WorkCover Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

For more information visit [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

76. **ADV4005 - Health – Food Premises – Advice**  
**Copies of food related documents and Standards:**

- Copies of the Australian Standards can be obtained from *Standards Australia Customer Service* on telephone 1300 654646 or by visiting the website: [www.standards.com.au](http://www.standards.com.au)
- Copies of the Food Safety Standards Code (Australia) may be obtained by contacting the Food Standards Australia New Zealand Authority on Telephone: (02) 6271-2222, e-mail: [info@foodstandards.gov.au](mailto:info@foodstandards.gov.au) or by visiting the website: [www.foodstandards.gov.au](http://www.foodstandards.gov.au) Copies of the NSW Stands for Construction & Hygienic Operation of Retail Meat Premises may be obtained by contacting the NSW Food Authority on 1300 552 406, e-mail: [contact@foodauthority.nsw.gov.au](mailto:contact@foodauthority.nsw.gov.au) or by visiting the website [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au)

## Notification of Food Business

Section 100 of the *Food Act 2003* requires:

*100 Notification of conduct of food business*

“(1) *The proprietor of a food business must not conduct the food business unless the proprietor has given written notice, in the approved form, of the information specified in the Food Safety Standards that is to be notified to the appropriate enforcement agency before the business is conducted. Maximum penalty: 500 penalty units in the case of an individual and 2,500 penalty units in the case of a corporation*”

**Notification** can be done on-line at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)

The provisions of the *Food Act 2003* may change over time and irrespective of the conditions of consent, compliance with this *Act*, regulations, food standards and other standards adopted under the *Food Act* (as amended) are mandatory. The *Food Act* and applicable regulations can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

### 77. ADV4006 - Health – Noise – Advice

#### **Noise related conditions**

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nlgq.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

#### **Useful links relating to Noise:**

- **Community Justice Centres**—free mediation service provided by the NSW Government ([www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)).
- **Department of Environment and Conservation NSW**, Noise Policy Section web page ([www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise)).
- **New South Wales Government Legislation** home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).
- **Australian Acoustical Society**—professional society of noise-related professionals ([www.acoustics.asn.au/index.php](http://www.acoustics.asn.au/index.php)).
- **Association of Australian Acoustical Consultants**—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).
- **Department of Gaming and Racing** - ([www.dgr.nsw.gov.au](http://www.dgr.nsw.gov.au)).

#### **Schedule B – Prescribed Conditions**

Prescribed conditions are those which are mandated under Division 8A of the *Environmental Planning and Assessment Regulation 2000* and given weight by Section 80A (11) of the *Environmental Planning and Assessment Act 1979*.

Detailed below is a **summary** of all the prescribed conditions which apply to development in New South Wales. Please refer to the full details of the prescribed conditions as in force, at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

It is the responsibility of the beneficiary of this consent to determine which prescribed conditions apply.

78. **PRES1001 - Clause 97A – BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
79. **PRES1002 - Clause 98 – Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.
80. **PRES1003 - Clause 98A – Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifying Authority and the Principal Contractor.
81. **PRES1004 - Clause 98B – Home Building Act 1989** - If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.
82. **PRES1007 - Clause 98E – Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

### **Schedule C – Operational & Statutory Conditions**

These conditions comprise the operational and statutory conditions which must be satisfied under the Environmental Planning and Assessment Act 1979 and the Environmental Planning & Assessment Regulation 2000. Please refer to the full details of the Act and Regulations as in force, at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

It is the responsibility of the beneficiary of this consent to determine which operational and statutory conditions apply.

83. **OPER1001 - Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited certifier.

An application form for a **Construction Certificate** is attached for your convenience.

84. **OPER1002 - Appointment of a Principal Certifying Authority** - The erection of a building must not commence until the beneficiary of the development consent has:
- (a) appointed a Principal Certifying Authority (PCA) for the building work; and
  - (b) if relevant, advised the PCA that the work will be undertaken as an Owner-Builder.

If the work is not going to be undertaken by an Owner-Builder, then the beneficiary of the consent must:

- (a) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (b) notify the PCA of the details of any such appointment; and
- (c) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

An **Information Pack** is attached for your convenience should you wish to appoint Hurstville City Council as the Principal Certifying Authority for your development.

85. **OPER1003 - Notification of Critical Stage Inspections** - No later than two (2) days before the building work commences, the PCA must notify:
- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
  - (b) the beneficiary of the development consent of the critical stage inspections and other inspections that are to be carried out with respect to the building work.
86. **OPER1004 - Notice of Commencement** - The beneficiary of the development consent must give at least two (2) days notice to the Council and the PCA of their intention to commence the erection of a building.

A **Notice of Commencement Form** is attached for your convenience.

87. **OPER1007 - Critical Stage Inspections** - The last critical stage inspection must be undertaken by the Principal Certifying Authority. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.
88. **OPER1008 - Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before each required inspection needs to be carried out.

Where Hurstville City Council has been appointed PCA, forty eight (48) hours notice in writing, or alternatively twenty four (24) hours notice by facsimile or telephone, must be given to when specified work requiring inspection has been completed.

89. **OPER1009 - Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

Only the Principal Certifying Authority appointed for the building work can issue the Occupation Certificate.

An **Occupation Certificate** Application Form is attached for your convenience.

If you need more information, please contact the Senior Development Assessment Officer, below on 9330-6222 during normal office hours.