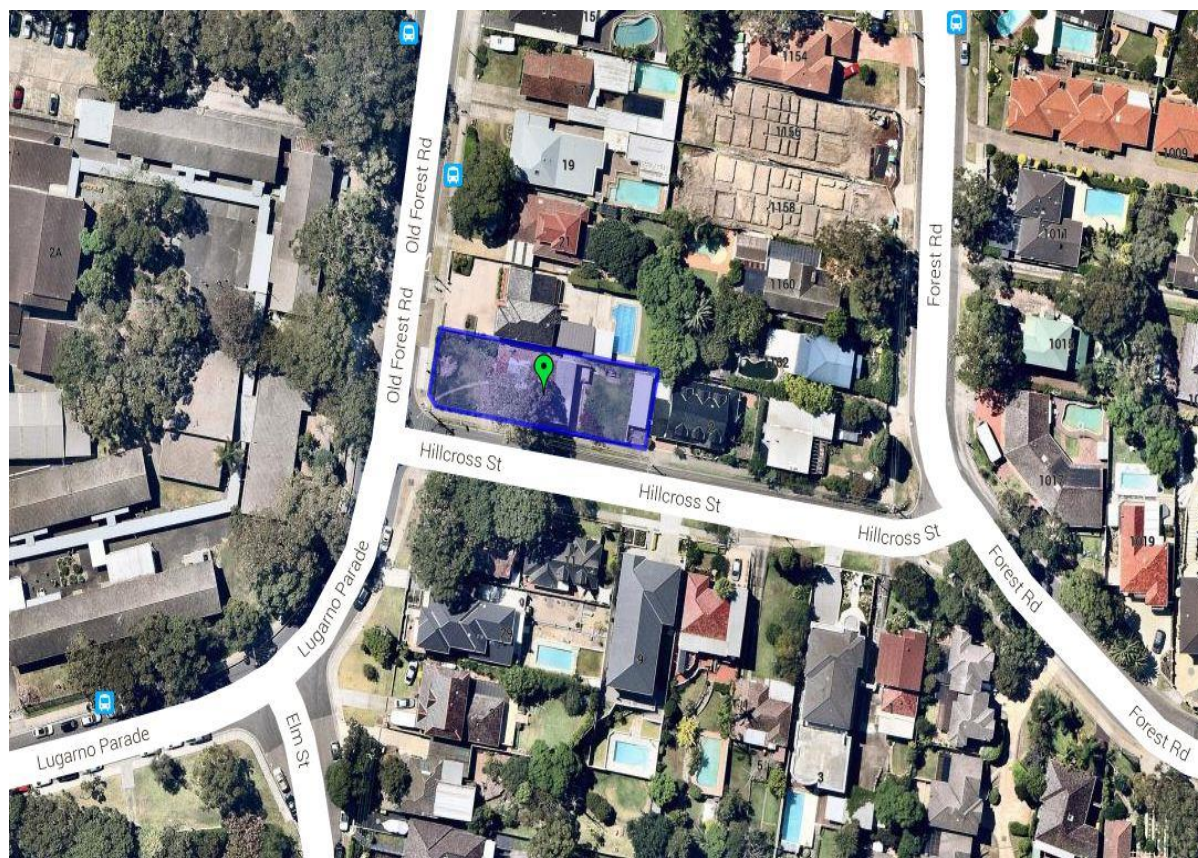


**REPORT TO GEORGES RIVER COUNCIL
IHAP MEETING OF 21 JUNE 2016**

IHAP Report No	Item 2	Development Application No	DA2015/0082
Site Address & Ward Locality	25 Old Forest Road Lugarno Peakhurst Ward		
Proposal	Alterations and additions to existing dwelling for use as a child care centre for nineteen (19) children		
Report Author/s	Senior Development Assessment Officer, Ms T Gizzi		
Zoning:	Zone R2 - Low Density		
Date of Lodgement	18 March 2015		
Owner	Oxford Number 1 Pty Ltd		
Applicant	Ridge Designs		
Submissions	Twenty three (23) submissions and a petition with one hundred and seventy two (172) signatures		
Cost of Works	\$250,000.00		
Issues	Submissions received and variations to DCPI		
Recommendation	THAT the application be approved in accordance with the conditions included in the report		

Site Plan



EXECUTIVE SUMMARY

1. Development consent is sought for alterations and additions to the existing dwelling and a change of use to a child care centre for nineteen (19) children.
2. Variations to the Hurstville Development Control Plan No 1 – LGA Wide are proposed. Having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, an assessment of the variations has found them 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. Twenty three (23) submissions and a petition with one hundred and seventy two (172) signatures were received opposing the development. The issues raised have been summarised in this report and are not considered to warrant refusal of the application.
4. The application was deferred at the Council meeting of 4 May 2016 for a site inspection. The site inspection was held on 11 May 2016.

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 alterations and additions to the existing single storey dwelling and change of use to a child care centre. Details of the centre are as follows:

Number of children:	Nineteen (19) children comprising: <ul style="list-style-type: none">• 0-2 years: four (4) children• 2-3 years: five (5) children• 3-5 years: ten (10) children
Staff:	Three (3) staff
Hours of operation:	7.00am to 6.30pm Monday to Friday
Parking:	Five (5) spaces provided (two (2) parents spaces and three (3) staff spaces) at the front of the site with driveway access of Hillcross Avenue.

HISTORY

18 Mar 15	Application lodged
20 Mar 15	Application notified
15 Apr 15	Application renotified
6 Oct 15	Applicant advised of issues
17 Nov 15	Amended information received
8 Dec 15	Amended plans renotified
14 Jan 16	Amended plans renotified due to error
4 May 16	Application deferred at Council meeting for a site inspection

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the north eastern corner of Old Forest Road and Hillcross Street in Lugarno.

The site has a primary frontage of 14.415m to Old Forest Road and a secondary frontage of 48.77m to Hillcross Street. The total site area is 702.9sqm. There is a 2m fall from Old Forest Road to the rear boundary and a cross fall of 0.2m–0.8m from the northern side boundary to Hillcross Street.

The site is currently occupied by a single storey dwelling house. Adjoining the site to the north is a two (2) storey dwelling house and to the east is a single storey dwelling house with attic. Opposite the site on the south side of Hillcross Street are one (1) and two (2) storey dwelling houses and opposite the site on the western side of Old Forest Road is Lugarno Public School.

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	R2 Low Density Residential	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	9m as identified on Height of Buildings Map	4.5m
4.4 – Floor Space Ratio	0.6:1 as identified on Floor Space Ratio Map	0.28:1
4.5 – Calculation of floor space ratio and site area	FSR and site area calculated in accordance with Cl.4.5	In accordance with Cl. 4.5
5.9 – Preservation of trees or vegetation	Consent is required for pruning or removal of specified vegetation	Councils Tree Management Officer has assessed the application and advised that <i>Eucalyptus Heamastoma</i> (Scribbly gum) at the front of the site is in good health and condition and warrants retention. The application has been redesigned to retain the tree.
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
6.4 – Foreshore Scenic Protection Area	Council cannot grant consent to the carrying out of development on land within a Foreshore Scenic Protection Area unless consideration has been made of the following: <i>“(3)(a) affect the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation, and (b) affect the visual environment, including the views to and from the Georges River, foreshore reserves, residential areas and public places, and</i>	The site is located in the foreshore scenic protection area. The proposal has been assessed against the matters for consideration and is acceptable. The development comprises alterations and additions to the existing single storey building. There are no significant topographical features on the site that affect the development and the alterations and additions have been designed to retain the significant tree at the front of the site.

	<p><i>(c) affect the environmental heritage of Hurstville, and</i></p> <p><i>(d) Contribute to the scenic qualities of the residential areas and the Georges River by maintaining the dominance of landscape over built form.”</i></p>	<p>The single storey height of the development minimises the visual impact on the surrounding locality and the update façade will complement other existing development in the area.</p> <p>The proposal is consistent with this clause.</p>
6.7 – Essential Services	<p>The following services that are essential for the development shall be available or that adequate arrangements must be made available when required:</p> <ul style="list-style-type: none"> * Supply of water, electricity and disposal and management of sewerage * Stormwater drainage or on-site conservation * Suitable vehicular access 	<p>Adequate facilities for the supply of water and for the removal of sewage and drainage are available to this land</p> <p>Appropriate stormwater disposal is proposed</p> <p>Suitable vehicular access from Hillcross Street is proposed</p>

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 poses no risk of contamination and therefore, no further consideration is required under Clause 7(1)(b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

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 Hemanote Consultants, dated 9 March 2015). 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.

Section 3.1	Requirements	Proposed	Complies
3.1.2.1 (table) – Child care centres	1 space per 2 staff (3 staff) = 2 car spaces Short term drop off and pick up spaces at 1 space per 10 children (single access driveways) (19 children) = 2 car spaces Total required = 4 car spaces	Total provided: 5 car spaces including 1 accessible space (3 for staff and 2 for parents)	Yes

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

Section 3.4	Requirements	Proposed	Complies
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"> - Provide surveillance opportunities - Building addresses street - Offset windows 	Surveillance opportunities provided. The building addresses both street frontages. Only existing windows face the adjoining property.	Yes
Lighting	<ul style="list-style-type: none"> - Diffused/movement sensitive lighting provided externally - Access/egress points illuminated - No light spill towards neighbours - Hiding places illuminated - Lighting is energy efficient 	Can be conditioned to satisfy these requirements, should the application be approved	Yes
Landscaping	<ul style="list-style-type: none"> - Avoid dense medium height shrubs - Allow spacing for low growing dense vegetation - Low ground cover or high canopy trees around car parks and pathways 	A landscape strip is proposed along the Old Forest Road frontage and also along the northern side boundary adjacent to the car park. The submitted landscape plan has not been updated to reflect the amended architectural plans however indicative planting is acceptable. Surveillance will also be maintained from Hillcross Avenue.	Yes
Building Identification	<ul style="list-style-type: none"> - Clearly numbered buildings - Entrances numbered - Unit numbers provided at entry 	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

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 an east-west orientation with Hillcross Street located to the south. The development is a single storey design minimising overshadowing and any shadows cast by the development would be over the subject property only or Hillcross Street to the south.

Consequently, 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 3.6 RAINWATER TANKS

The proposal provides for rainwater tanks to facilitate stormwater disposal in accordance with Section 3.6.

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 3.9 WASTE MANAGEMENT

A waste management plan has been provided which satisfies the requirements of Section 3.9. The plan will be conditioned to form part of the approval.

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

The application has been amended to ensure the retention of the *Eucalyptus Heamastoma* (Scribbly Gum).

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.

Section 5.4	Standard	Proposed	Complies
5.4.5.1 Locational Criteria	Should be located close to community focal points	The site is located opposite Lugarno Public School.	Yes
	Minimum site area of 500sqm	702.9sqm	Yes
	Min. frontage of 20m where a combined entry and exit is provided	14.415m to Old Forest Road 48.77m to Hillcross Street	No (1)
	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 strictly for residential purposes, no significant contamination is likely to be present on the site	Yes
	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	Yes
	Proposals must be accompanied by a Traffic Impact Statement provided by a qualified Consultant	A traffic report has been provided	Yes
5.4.6 Cumulative Impacts from Centres within Residential Areas	Only one 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 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 Child Age Groups	Maximum 40 children within the R2 - Low Density Residential	Maximum 19 proposed	Yes
	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 (which is 35% from the 2011 census) = 8 children	4 children = 21%	No (2)
5.4.9.1 Building Form and Appearance	Height – Single storey in the R2 Low Density Residential Zone	Single storey	Yes
5.4.9.2 Setbacks	Front Setback 5.5m to primary frontage 2m to secondary frontage	13.2m 2m to new wall	Yes
	Side Setback - 0.9m	1.2m	Yes
	Rear Setback – 3m	10.55m	Yes

5.4.9.3 Relationships to Adjoining Properties	Impacts of the following to be considered:		
	<ul style="list-style-type: none"> • Play areas – indoor and outdoor 	The play areas would not result in any unreasonable impacts on adjoining properties subject to the adoption of the recommendations of the acoustic report.	Yes
	<ul style="list-style-type: none"> • Windows and doors (particularly those associated with indoor play areas) 	Windows to the indoor play areas are located facing away from the adjoining properties primarily fronting Old Forest Road or Hillcross Street.	Yes
	<ul style="list-style-type: none"> • Verandahs • Point of entry • Pick-up and drop-off points 	The location of the verandah, points of entry and pick up and drop off points would not result in any significant impacts.	Yes
	<ul style="list-style-type: none"> • Any plant equipment which may be required within the context of the centre 	Details of mechanical plant equipment have not been provided however the submitted acoustic report contains recommendations for the equipment to ensure it complies with relevant acoustic levels. This is to be conditioned.	Yes
	<ul style="list-style-type: none"> • Openings such as windows and doors should not correspond with existing opening on adjoining properties 	New openings do not correspond with adjoining properties.	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	Complies	Yes
5.4.9.5 Building Detail	The design of the centre must provide strong visual links between indoor and outdoor spaces	Satisfactory	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 = 2 spaces 1 space per 10 children = 2 spaces Total = 4 spaces	5 spaces provided	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. 1 required	3 bike racks proposed	Yes
	Driveway crossing on corner allotments must not be located closer than 9m to the property alignment at the intersection	11.8m	Yes
	Landscaping and paving design associated with driveways must achieve the following: <ul style="list-style-type: none"> • Pedestrian safety and visibility • Level, hard surface from vehicles to entry point • Satisfactory manoeuvrability for disabled persons and/or prams • Clear delineation between driveway and yard areas 	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 Manager Infrastructure Planning 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 Manager Infrastructure Planning and found to be acceptable.	Yes
	Consideration of traffic impacts between 7.30am-9am and 3.30pm-6pm.	The submitted traffic report has undertaken traffic counts for the peak periods and concludes that no significant traffic impact would arise. Council's Manager Infrastructure Planning has found this to be acceptable.	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	1.137m landscaped area is provided along the primary frontage to Old Forest Road	Yes
	Disabled access is to be provided from the street to the main entrance	Ramps provided	Yes
	Disabled access ramp is to be provided to the playground areas	A disabled access ramp is provided to the playground areas	Yes
5.4.11.1 Tree Preservation and	A 1m wide landscaped area is required to be provided along	1m along the Old Forest Road frontage.	Yes

Planting	the front setback	Along the Hillcross Street frontage, 1.7m wide landscaped area is provided where the secondary frontage is not interrupted by services, ramps, etc or by fencing along the outdoor play area.	
	Screen planting is to be provided along the side boundaries	Screen planting is not provided along the side boundary of the site	No (3)
5.4.11.3 Drainage	Play areas must be capable of rapid clearance of surface water	Acceptable	Yes
5.4.12.1 Indoor Spaces	Area for administration, private consultation and staff respite	An office and staff room is provided	Yes
	3.5sqm unencumbered space per child (19 children proposed) = 66.5sqm Room A (4 children) = 14sqm Room B (10 children) = 35sqm Room C (5 children) = 17.5sqm	Room A = 23sqm Room B = 35sqm Room C = 18sqm	Yes
5.4.12.2 Outdoor Spaces	7sqm per child (19 children proposed) = 133sqm required	133sqm (excluding ramps and planter boxes but including the verandah as it is more than 2m wide)	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	Satisfactory	Yes
	Should generally include the following: Open area of 1/3 – 1/2 of the playground area Quiet area of 1/4 – 1/3 of the playground area Active area of 1/3 of the playground area	Subject to conditions requiring compliance with licensing requirements	Yes, subject to conditions
	2.5sqm per child to be covered (19 children proposed) = 47.5sqm	Shade structures provide appropriate shading	Yes
	Sandpits to be designed meet controls	Sandpit complies with controls subject to a condition requiring compliance with regulations	Yes, subject to condition
	5.4.12.3 Verandahs	Verandahs are to be equal to 1.25sqm per child and covered = 23.75sqm	16.2sqm and covered.

		<p>The proposed verandah at the rear of the property forms part of the outdoor open space referred to in Section 5.4.12.2 and is not proposed to be used as a primary area of outdoor play area. The controls relating to verandahs in this section of the DCP are ambiguous as it does not clearly identify how this control relates to the 7sqm required for the primary outdoor play area.</p> <p>In this case, as the verandah forms part of the wider outdoor play area the reduced provision is acceptable.</p>	
	Should have a width of 2.5m but 2m will be considered as a minimum	2m	Yes
5.4.12.4 Signage	Signage to complement the streetscape and not be intrusive	Signage is appropriate	Yes
5.4.12.5 Entry and Security Requirements	Legible entry points to be located within the view of the main office	Complies	Yes
	Playground to be fenced	1.8m high lapped and capped fencing proposed	Yes
	Gates or opening devices to be fitted with a childproof latch or self locking device	Satisfactory	Yes
5.4.13.1 Toilet Facilities	1 toilet per 8 children 1 junior toilet or adult toilet with a step = 3 toilets	4 provided	Yes
	1 disabled toilet for a child	Disabled toilet provided	Yes
	1 toilet per 6 staff = 1 required	1 provided	Yes
	1 staff shower	Provided	Yes
	Bathrooms to be a min. 12sqm + an additional 2.5sqm per toilet where more than 3 in one bathroom = 14.5sqm	14.5sqm	Yes
5.4.13.2 Staff Rooms and Office	Staff Room - Min. 12sqm + 2sqm for each staff member above 6	14.6sqm	Yes
	Outdoor staff facilities to be provided	Not provided	No (4)
	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) = 2 cots required	2 cots provided	Yes

5.4.13.4 Nappy Change Area	A separate nappy change room is to be provided for children under 3 years	A nappy change room is provided	Yes
5.4.13.5 Storage	8sqm of storage per playroom is to be provided = 24sqm	Total = 21sqm	No (5)
5.4.13.6 Laundry	Minimum 10sqm	3.7sqm	No (6)
5.4.13.7 Rubbish Removal	Waste storage area minimum 3m x 1m and not visible from the street	Sufficient area provided not visible from street due to fencing	Yes
5.4.13.9 Craft Preparation Facilities	One sink separate to the food preparation area is to be provided	Provided	Yes
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: 7am – 6.30pm	Yes
5.4.14.1 Visual Privacy	Minimise overlooking through screening etc	<p>A 1.8m high lapped and capped fence is proposed to be constructed along the northern side boundary and rear boundary to protect the amenity of neighbouring properties. A disabled access ramp is also located along these 2 boundaries adjacent to the outdoor play area which will provide a small buffer from this space.</p> <p>Along the northern elevation of the centre, no new window openings are proposed and all existing windows that are to be retained serve ancillary rooms such as the kitchen, bathroom and the nappy change area.</p>	Yes

		The eastern elevation facing 2 Hillcross Street at the rear of the site includes sliding glass doors and a raised verandah. However there is sufficient spatial separation between the 2 buildings to ensure privacy is maintained.	
	Play equipment to be setback 3m from boundaries adjoining residential	Subject to condition	Yes, subject to condition
5.4.14.2 Acoustic Amenity	Acoustic Report by a suitably qualified consultant to be provided	An Acoustic Report has been provided by Acoustic Noise and Vibration Solutions Pty Ltd. The report has been assessed by Council's Environmental Health Officer and is supported.	Yes
5.4.14.3 Fencing	At least 1.2m high Where it is essential that side street boundaries be fully fences, they are to be designed to allow landscaping along the boundary.	Minimum 1.2m high picket fencing is proposed along the Old Forest Road frontage and along part of the Hillcross Street frontage. The remainder of the site is to be fenced with 1.8m high lapped and capped timber fencing. Only part of the side street boundary to Hillcross Avenue requires regular 1.8m high fencing. The remainder of the boundary requires only 1.2m high picket fencing which allows views to the landscaped area beyond.	Yes N/A

Stormwater Assessment	
Existing Stormwater System	Gravity to street - to Hillcross St being a corner property
Proposed Stormwater System	Gravity to street – to Hillcross St
Stormwater objectives for development type met?	Yes
Slope to rear (measured centreline of site)	Yes
Gravity to street (from property boundary to street kerb)?	No for Old Forest Rd, but Yes for Hillcross St
Discharge into same catchment?	Yes
Easement required?	No

(1) Minimum Street Frontage

Clause 5.4.5.1 of Development Control Plan No 1 requires that where a single vehicular access point is proposed, the site is to have a minimum frontage of 20m.

The primary frontage of the site is to Old Forest Road which has a width of only 14.415m. However, being located on a corner, the site has a secondary frontage to Hillcross Street measuring 48.77m.

To minimise traffic impacts and maximise safety, the vehicular access point is located off Hillcross Street which also allows for the driveway to be setback 11m from the corner.

Although the primary frontage does not satisfy the requirements of the Development Control Plan, the secondary frontage exceeds the minimum requirements and is considered to satisfy the underlying objectives of the control. Further, the development satisfies the built form controls relating to setbacks and parking indicating that the site width is suitable for this development.

Based on the above, the variation is supported.

(2) Children Age Groups

Clause 5.4.8 of the Development Control Plan requires that 35% of the proposed children are aged 0-2 years. The proposed development provides only four (4) spaces or 21% for this age group. This is a shortfall of three (3) spaces for 0-2 year olds.

The applicant has provided the following justification for this variation.

1. *'The centre is relatively small in nature that will only accommodate a maximum of 19 children at any one time. The centre is located opposite a public school which does not have one single long day care in the suburb of Lugarno.*
2. *The provision of child care service in this location will not only stimulate the local economy by providing additional employment opportunities in the area, it will provide a much needed child care services to an area where there is already significant demand.*
3. *The Australian Institute of Family Studies found that while 45% of children in the 2-3 year age bracket attended Long Day Care only 30% of 0-2 did. This is due to the majority of 0-2 year olds who attend childcare don't start until they are at least 1 years old. Therefore lower aged children don't attend long day care as much as their older peers and adopting a ratio of 33% is not a correct reflection of children under 2 years attending long day care.*
4. *The centre is located across from a primary school where there is direct access via a pedestrian crossing.*
5. *The majority of demand will be of pre-school aged children (3-5) who are ready to move into school.'*

The above justification is supported.

The proposed centre is small with only nineteen (19) children proposed and of those children four (4) spaces (22%) are for children aged 0-2 years, five (5) (26%) are for children aged 2-3 years and ten (10) (53%) are for children aged 3-5 years. The allocation of spaces per age group progressively increases to allow for flexibility and to meet market requirements. This is also consistent with current licensing trends which do not lock specific children numbers per age group but are rather intended to cater for children moving through the centre from babies to school age.

The variation does not compromise the amenity of the child care centre or increase impacts on adjoining properties. Further, even if the proposal was required to comply there is sufficient parking on site to accommodate the additional staff in accordance with the Development Control Plan. Compliance with the control would however require amendments to the internal layout of the building which would potentially compromise its functionality and design which in its current form is acceptable.

In a centre of this size, the proposed variation is acceptable.

(3) Tree Preservation and Planting

Clause 5.4.11.1 requires that planting be provided along the side boundaries of the site. As the site is a corner site, it only has one true side boundary which is along the northern edge of the site and is opposite a two (2) storey dwelling house. Landscaping is proposed along the northern boundary only for the length of the car park. The remainder of this boundary does not contain any landscaping.

The northern wall of the child care centre is largely existing with a setback of 0.9m. The additions to the building adjacent to this boundary match the 0.9m setback. Given the narrow width available along this part of the boundary, and also the substantial overshadowing that occurs from the two (2) storey dwelling at 23 Old Forest Road, it is unreasonable to require landscaping in this location.

Along the northern side boundary of the outdoor play area, a disabled ramp is proposed preventing the possibility of landscaping in this location.

Although it would be ideal to have landscaping along the northern boundary adjoining the outdoor play area, disabled access takes priority. It is also noted that landscaping has been provided along the other boundaries of the site. The lack of landscaping in this location does not compromise the amenity of the centre or the adjoining property and is acceptable in this instance.

(4) Staff Facilities

Clause 5.4.13.2 of Development Control Plan No 1 requires that an outdoor area be provided for staff. This has not been provided for within this development.

Given that the centre requires only three (3) staff to operate at capacity, it is not considered that a specific outdoor space is necessary in this case. The staff room is generous in size for a small child care centre and will provide a good breakaway space for staff.

Even though there is no designated outdoor area, there is a small landscaped area under the tree to be retained at the front of the site should staff wish to go outside.

The variation to the control is supported.

(5) Storage

Development Control Plan No 1 requires 8sqm of storage to be provided to each playroom. The proposed child care centre has three (3) playrooms, so 24sqm of storage is required, however only 21sqm of storage is provided.

The storage is divided as follows:

Play Area A: 4.5sqm of storage for four (4) children

Play Area B: 5sqm of in room storage for ten (10) children plus a 10sqm store room shared with Play Area C.

Play Area C: 1.6sqm of storage for five (5) children plus 10sqm store room shared with Play Area B.

Play areas B and C have sufficient storage to satisfy the controls. Play area A is short 3.5sqm however this is the smallest room catering for only four (4) children.

Although the play area is short of general storage, there are lockers provided for the children and as this room is for the 0-2 year olds, it is also located adjacent to a cot room and nappy change room which is likely to contain furniture that allows for additional storage. With only four (4) children in play area A, the storage provided is considered sufficient and the variation is supported.

(6) Laundry

Clause 5.4.13.6 of Development Control Plan No 1 requires that a laundry be provided with a minimum size of 10sqm. The proposed laundry measures only 3.7sqm and is a concealed design located behind folding doors along the corridor to the staff room.

Although small, the laundry is considered to be sufficient for the purposes of a small nineteen (19) place child care centre. Additionally, should the laundry prove to be ineffective, there are commercial laundering services available if needed.

The size of the laundry is acceptable and the variation is supported in this case.

4. Impacts

Natural Environment

The proposal requires no significant excavation and subject to conditions, drainage is appropriately managed.

The development has also been amended to retain the significant *Eucalyptus Heamastoma* (Scribbly gum) at the front of the site.

The proposal is not considered to result in any unacceptable unreasonable natural environment impacts for the reasons contained within this report.

Built Environment

The proposed development is unlikely to have an adverse impact on the built environment. The proposed development seeks variations to the requirements of Development Control Plan No 1 as detailed in the report however the variations do not significantly impact on the built form of the development and are acceptable. In terms of bulk and scale, the proposal is actually smaller than a number of two (2) storey residential developments in the locality. 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 subject to specific recommendations being adopted in the development. The issues raised by residents in the submissions received to the application are detailed in the report.

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 advertised and twelve (12) residents were directly notified of the original application in accordance with the Development Control Plan. Twenty (20) individual submissions and a petition were received objecting to the development.

Following receipt of the amended plans, the application was readvertised and thirty four (34) residents were renotified of the development. Twenty three (23) individual submissions were again received and a petition was also submitted with one hundred and seventy two (172) signatures objecting to the development.

The concerns raised are addressed below.

Traffic, Parking and Safety

- Pedestrian and safety impacts especially given proximity to the school and the traffic during peak drop off and pick up periods
- Conflict with pedestrian crossing in front of the site on Old Forest Road
- Increased parking requirements close to the school and child care centre
- Increased traffic congestion
- Hillcross Street is too narrow only allowing traffic in one direction at any time due to parking on side of the road
- Recent vehicle accidents in the area
- Buses unable to negotiate through school traffic as it is
- Conflict with increased construction traffic in the area
- The traffic report does not consider vehicles during peak drop off and pick up times
- Loading/deliveries of goods

Comment: Council's Manager Infrastructure Planning has assessed the application, including the submitted Traffic Report and concerns raised by residents and raised no objection to the proposal.

Use is incompatible with the area

- A child care centre is not suitable in the R2 Low Density Residential zone
- The development is not compatible with adjoining development
- The development will detract from the visual amenity and character of the area

Comment: Child care centres are permissible in the R2 Low Density Residential Zone. As discussed throughout this report, the bulk and scale of the development is similar to a single storey dwelling house and is actually smaller than multiple two (2) storey dwelling houses that are common in the area. Further, the development is not considered to have a significant impact on the amenity of adjoining properties and is found to be consistent with the character and appearance of the streetscape.

Acoustic Impacts and Report

- Object to the contents of the report and comparisons used
- Does not address mechanical plant
- Indicates non compliances
- Incomplete data
- Significant impacts on neighbouring properties

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 7.00am and 6.30pm Monday to Friday are not considered to significantly interrupt the amenity of the neighbouring occupiers.

Demand for Child Care Centre

- Object to claims of demand for child care services in the area

Comment: It is readily accepted that there is extensive demand for child care services across the local government area.

Non compliances with the DCP

- Multiple non compliances identified in various submissions

Comment: As discussed throughout this report, there are a number of variations to the Development Control Plan controls. However, following a detailed assessment of the application, although numerous, the variations are found to be minor and are acceptable.

Emergency Evacuation

- The application does not address the emergency regulations including evacuation procedures and assembly areas

Comment: These issues are assessed under the Building Code of Australia as part of the Construction Certificate and are also subject to child care licensing regulations. They are not a matter for detailed assessment at the time of the development application.

Waste

- Waste storage and disposal has not been addressed

Comment: A Waste Management Plan has been submitted with the application and a waste storage area is provided along the Hillcross Street frontage. This is considered acceptable.

Privacy

- Privacy impacts as a result of corresponding windows between properties

Comment: No new windows are proposed to correspond with those of the neighbouring properties. The only windows that correspond with windows opposite are existing in the building and serve the kitchen area and disabled bathroom/staff shower. All other existing corresponding windows are proposed for removal. As such, there is no additional privacy impacts arising from the development.

Safety Risk

- Safety risk arising from children potentially climbing the fence into the neighbouring pool

Comment: A 1.8m high lapped and capped timber fence is proposed which is suitable to prevent children climbing into neighbouring properties.

Asbestos

- The existing development contains asbestos.

Comment: The demolition of asbestos is addressed by standard conditions of consent and WorkCover requirements.

Landscape

- The trees proposed to be planted are too large and will overhang adjoining properties and the footpath.

Comment: Limited landscaping is proposed, however the proposed vegetation is consistent with the leafy environment of the Foreshore Scenic Protection Area in which the site is located.

Signage

- The signage is bright and out of character with the area.

Comment: The proposed signage is exempt development under SEPP (Exempt and Complying Development Codes) 2008 and is not subject of this application.

Shade Sails

- The shade sails over the play area are visually dominant.

Comment: The shade sails have a height of only 3.5m and are open, light weight structures. They are not considered to be visually dominant and are acceptable.

Property Value

- Property values will decrease

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

Council Referrals

Manager Infrastructure Planning

Council's Manager Infrastructure Planning has assessed the development including the traffic impacts of the proposal. The following comments were provided:

“Layout of Off-Street Parking Facilities

The proposed 90-degree angled parking spaces and the aisles comply with the Australian Standard AS/NZS 2890.1-2004 ‘Off-Street Car Parking’.

Angle Parking Aisle

Access to Off-Street Parking Facility

The proposed location of the vehicular access complies with Australian Standard AS/NZS 2890.1-2004 (Clause 3.2.3, Figure 3.1).

Parking Provision

Complies with the off-street parking requirements stipulated in Council DCP.

Impact on Road Network

According to RMS Guide to Traffic Generating Development (2002), the proposed facility will generate 19 vehicle-trips in the morning peak and 16 vehicle-trips during the afternoon peak periods.

At present, Hillcross Street carry about 100 veh/hr during AM peak and about 30 veh/hr during PM peak periods. Thus with the additional traffic generated from the development, traffic volumes in Hillcross Street will carry around 120 veh/hr during AM peak and 46 veh/hr during PM peak. These values are well below the environmental goals set by the RMS for a local street (which is 200 veh/hr). Thus the impact from the proposed development can be absorbed by the local road network without any adverse impact on the amenities of local area.

Conclusion

As discussed above, the traffic and parking related impacts from the proposed development at 25 Old Forest Road, Lugarno are acceptable. Accordingly, Engineering Services raise no objections to the proposed child care centre at 25 Old Forest Road, Lugarno.”

Comment: The above comments were provided on the original design. Following amendments to the application, further traffic comments were sought in relation to the submissions received. Council's Manager Infrastructure Planning provided the following additional comments:

'I refer to your enquiry concerning potential impact on road safety as a result of the abovementioned development.

The most recent five year crash record for Hillcross Street including the intersection of Forest Rd/Hillcross St and Old Forest Rd/Hillcross St, Lugarno was obtained from the RMS (this database shows only the accidents that were reported to the Police). The covered period is from January 2010 and December 2014. Only one (1) accident was recorded in Hillcross Street at Old Forest Road where a vehicle travelling on Hillcross St has collided with a parked vehicle or an object. No one was injured. It should be noted that there may have been other unreported or minor accidents in this area.

As detailed in previous comments, the projected peak period traffic generation from the proposed development is very low. Hillcross Street will continue to operate well below environmental goals set by the RMS for a local street. Thus the existing Level of Service (LoS) of Old Forest Road, Hillcross Street and the intersection of Old Forest Road and Hillcross Street would not be compromised with the proposed development. Forest Road, Old Forest Road and Hillcross Street will continue to operate at an acceptable Level of Service during morning and afternoon peak periods.

Accordingly, it is considered that the proposed development at 25 Old Forest Rd is considered acceptable on traffic and road safety grounds.'

Manager Children's Services

The application was referred to Council's Manager Children's Services. No objections to the proposal have been received.

Environmental Health Officer

Council's Environmental Health Officer has raised no objections to the development subject to conditions of consent. This assessment has also included consideration of the acoustic report and conditions requiring adoption of its recommendations and also acoustic report verification within three months of the issue of the occupation certificate are recommended.

Tree Management Officer

Council's Tree Management Officer assessed the development and required amendments for the retention of the Scribbly Gum at the front of the site.

Officer Comment: The plans have now been amended to retain this tree and conditions are recommended for its protection throughout construction in accordance with Australian Standards.

Senior Environmental Health and Building Surveyor

Council's Senior Environmental Health and Building Surveyor has raised no objections to the development subject to conditions of consent.

Development Engineer

Council's Development Engineer has assessed the development and raised no objections to the development subject to conditions.

6. CONCLUSION

Development consent is sought for alterations and additions to the existing dwelling and a change of use to a child care centre for nineteen (19) children.

Having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, although there are variations 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, twenty three (23) submissions were received and petitions with one hundred and seventy two (172) signatures objecting to the development were received. 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 DA2015/0082 for alterations and additions to existing dwelling for use as a child care centre for nineteen (19) children on Lot 3 DP 15582 and known as 25 Old Forest Road, Lugarno subject to the following conditions:

Schedule A – Site Specific Conditions

GENERAL CONDITIONS

These conditions have been imposed to ensure that the development is carried out in accordance with the approved plans and to ensure that the appropriate fees and bonds are paid in relation to the development.

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
DA01	9.11.15	Site Layout and Site Analysis Plan	C	Ridge Designs
DA02	9.11.15	Demolition Plan	C	Ridge Designs
DA04	9.11.15	Ground Floor Plan	C	Ridge Designs
DA05	9.11.15	Elevations	C	Ridge Designs
DA06	9.11.15	Elevations	C	Ridge Designs
DA07	9.11.15	Disable Ramp Details	C	Ridge Designs
DA08	9.11.15	Disable Ramp Details	C	Ridge Designs
DA09	9.11.15	Kitchen Details	C	Ridge Designs
-	17.3.15	Waste Management Plan	A	Ridge Designs
-	-	Finishes Schedule	-	Ridge Designs
-	17.3.15	Landscape Concept Plan	-	Monaco Designs

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

Fee Type
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	\$1,175.00
Construction Certificate Application Fee	\$1,175.00
Construction Certificate Imaging Fee	\$103.00

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 or call 131441. **Evidence of the payment of this levy must be submitted with the Construction Certificate application.**
4. GEN1015 - **Damage Deposit - Minor 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

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 150mm thick concrete vehicular crossing reinforced with F72 fabric in accordance with Council's Specifications for vehicular crossings.

(b) 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

(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

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. CC2014 - **Development Assessment - Design change - Play Equipment setback** - All play equipment is to be setback 3m from any boundary adjoining a residential property. Details are to be provided with the Construction Certificate application.
11. 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.

12. 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.

13. CC4024 - **Health - Colour of finishes** - All walls, floor and ceiling in all food preparation, food storage and waste storage areas shall be finished with a light colour. No black or dark colour surface finish is permitted in these areas.

Details of colour of finishes in the mentioned area must be submitted with the plans for satisfactory approval prior to the issue of any Construction Certificate.

14. CC4024 - Health - **Acoustic Certification** - All recommendations outlined in the Acoustic Report Reference No: 2015-046 amended date 16 November 2015, prepared by Acoustic Noise & Vibration Solutions P/L are to be complied with, Details are to be submitted with the Construction Certificate to the Principle Certifying Authority.

15. 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.

16. 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.**

17. 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.

18. **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.

19. **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.

20. **CC2002 - Development Assessment - Site Management Plan - Minor Development** - A Site Works Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.
21. **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**.
- (i) The submitted concept hydraulic plan shall be amended to:
 - (a) include the provision of On Site Detention;
 - (b) show all outlet pipes from grated drains and pits to be a minimum 150mm diameter.

These design changes are to be incorporated into the Detailed Hydraulic Plans submitted for approval **with the Construction Certificate Application**.

22. **CC2008 - Development Assessment - Landscape Plan** - The approved landscape plan is to be updated to reflect the approved site layout plan. The landscape plan must be drawn to scale, by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate. The plan must include:

- (i) Location of existing and proposed structures on the site including existing trees (if applicable);
- (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
- (iii) Location, numbers and type of plant species;
- (iv) Details of planting procedure and maintenance;
- (v) Details of drainage and watering systems.

23. **CC5002 - Trees - Tree Protection and Retention** - The following tree shall be retained and protected:

- (a) One (1) *Eucalyptus Heamastoma* (Scribbly Gum) at the front of the site adjacent to the building entrance.

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.

24. **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 land and any 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.

25. **CC3001 - Development Engineering - Stormwater System**

Reference No.	Date	Description	Revision	Prepared by
UMB15070.HYD .DA DWG. 101	11/3/15	Stormwater Concept Plan	A	Umbrella Civil Consulting Engineers

The above 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, via an On Site Detention system, to Council's kerb and gutter directly in front of the development site at the Hillcross Street frontage 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**.

26. CC3004 - **Development Engineering - Stormwater Drainage Plans**

Reference No.	Date	Description	Revision	Prepared by
UMB15070.HYD .DA DWG. 101	11/3/15	Stormwater Concept Plan	A	Umbrella Civil Consulting Engineers

The above 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.**

27. 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.

28. 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.

29. 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

30. **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.

31. **CC3005 - Development Engineering - On Site Detention**

Reference No.	Date	Description	Revision	Prepared by
UMB15070.HYD .DA DWG. 101	11/3/15	Stormwater Concept Plan	A	Umbrella Civil Consulting Engineers

The above 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**

32. 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).
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.

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.

34. 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.
35. PREC2002 - **Development Assessment - Demolition and Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2011 - Demolition of Structures, NSW Work Health and Safety Act 2011 and the NSW Work Health and Safety Regulation 2011. The work plans required by AS2601-2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the Principal Certifying Authority prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW Work Health and Safety Act 2011 and the NSW Work Health and Safety Regulation 2011 unless specified in the Act and/or Regulation that a license is not required.

The asbestos removal work shall also be undertaken in accordance with the How to Safely Remove Asbestos: Code of Practice published by Work Cover NSW.

Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the Work Cover NSW website: www.workcover.nsw.gov.au

36. **PREC2008 - Development Assessment - Demolition Notification Requirements -**
The following notification requirements apply to this consent:
- a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
 - b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Hurstville City Council advising of the demolition date, details of the WorkCover licensed asbestos demolisher and the list of residents advised of the demolition.
 - c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.
37. **PREC2009 - Development Assessment - Demolition work involving asbestos removal** - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011.
38. **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.
39. **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.

40. **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.

41. **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.

42. **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.
43. **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.
44. **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.
45. **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.

46. **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.

47. **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 be 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)

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** – Five (5) parking spaces including one (1) accessible space is to be maintained on site at all times. A minimum of two (2) spaces are to be allocated for parent drop off and pick up.

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 and 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 150mm thick concrete vehicular crossing reinforced F72 fabric in accordance with Council's Specifications for vehicular crossings.

- (b) 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.

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.

54. **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.

55. **ONG2002 - Development Assessment - Hours of operation -** The approved hours of operation shall be restricted to 7.00am to 6.30pm Monday to Friday with no operation permitted on weekends or public holidays.
56. **ONG2009 - Development Assessment - Child and Staff Numbers -** The child care centre is approved to a maximum occupancy of nineteen (19) children and three (3) staff members during the approved hours of operation.
57. **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).

58. 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).
59. 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.
60. 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.
61. 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).
62. 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).
63. ONG4049 - **Health - Smoke Free legislation** - The premises must comply with the Smoke Free Environment Act 2000 (as amended).
64. ONG4050 - **Health - Restricted use** - No amplified equipment or live bands permitted in the outdoor play area at any time.
65. ONG4051 - **Health - Acoustic report** - Noise control measures must be adopted and maintained in accordance with the Acoustic report submitted by Acoustic Noise and Vibration Solutions Pty Ltd Reference Number: 2015-046 amended date 16 November 2015.
66. 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.
67. ONG6003 - **Engineering - Entering and Exiting of vehicles** - All vehicles shall enter and exit the premises in a forward direction.
68. 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.
69. ONG7005 - **Child Care Centre Use** - The proposal must adequately satisfy all legislative and industry requirements relating to the child care use at all times.

70. **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.

71. **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.
72. **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.

73. **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

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.

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

74. 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.
75. 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.
76. 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.
77. 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.
78. 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.

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

79. 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.

80. 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.

81. **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.

82. **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.

83. **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.

84. **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.

85. **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.