

REPORT TO GEORGES RIVER COUNCIL IHAP MEETING OF 22 SEPTEMBER 2016

IHAP Report No	4	Development Application No	DA2016/0074
Site Address & Ward Locality	96 Park Road, Kogarah Bay Kogarah Bay Ward		
Proposal	Demolition of existing dwelling and construction of a new Child Care Centre		
Report Author/s	Senior Planner - Ben Latta		
Zoning:	R2 - Medium Density Residential		
Date of Lodgement	28 April 2016		
Owner	Mr T & Mrs I Parathyras		
Applicant	FLDC Architects		
Submissions	Thirty-three (33) submissions were received		
Cost of Works	\$1,650,100.00		
Issues	Numerous unresolved objections.		
Recommendation	That the application be approved subject to the conditions included in the report.		

Site Plan



Executive Summary

Proposal

1. Council is in receipt of an application for the demolition of existing dwelling and construction of a new Childcare Centre on the site.

Site

2. The site is located on the north-eastern corner of Park Road and Glenview Street, Kogarah Bay. The site is a generally rectangular in shape with a slight splay to the front boundary to Park Road. The land has a gradual fall to the east and yields an area of 733 square metres.

KLEP 2012

Clause 2.1 – Land Use Zones

3. The subject site is zoned R2 - Medium Density Residential and the proposal is a permissible form of development with Council's consent. The proposed development satisfies the objectives of the zone.

New City Plan

4. The New City Plan maintains the R2 zoning of the site. The proposal is permissible with consent and it satisfies the objectives of the zone.
5. The New City Plan proposes a height limit of 8.5m and FSR of 0.5:1.
6. The proposal is not inconsistent with the provisions of the New City Plan.

Kogarah Development Control Plan 2013 (KDCP 2013)

7. The proposed development satisfies the provisions of Part D4 – Child Care Centres and Section 1.1 – Streetscape Character of KDCP 2013.

Submissions

8. Thirty-three (33) submissions were received raising the following concerns:
 - Traffic and on-street car parking impacts
 - Pedestrian and traffic safety risks
 - Noise impacts
 - Suitability of the site and locality

Conclusion

9. Having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment of the proposal Development Application No. 74/2016 should be approved subject to conditions.

Report in Full

Proposal

10. Council is in receipt of an application for the demolition of existing dwelling and construction of a new Childcare Centre on the subject site.

The Site and Locality

11. The site is located on the north-eastern corner of Park Road and Glenview Street, Kogarah Bay. The site is a generally rectangular in shape with a slight splay to the front boundary to Park Road. The land has a gradual fall to the east and yields an area of 733 square metres.
12. Currently existing on the site is a single storey brick dwelling with pitched tile roof and fibro shed in the rear yard.
13. The streetscape is characterised by one to two storey detached dwellings, predominantly constructed in brick with tile roofs with the exception of the contemporary rendered flat roof dwelling adjoining the site at No.15 Glenview Street. There four (4) street trees in front of the property on Glenview Street.



Background

14. On 15 September 2015 a Development Advisory Service meeting was held with the applicant for the proposed development. A number of issues were raised with the proposal including drafting issues, impact of fencing to Glenview Street and rear boundary, BCA issues, driveway design and traffic, trees, stormwater and waste storage.

15. On 28 April 2016 the Development Application subject of this report was lodged with Council.
16. From 10 May to 24 May 2016 the application was placed on neighbour notification.
17. On 10 June 2016 the applicant was sent a letter requesting that the following issues be addressed:
 - Acoustic fencing material and design to be specified on the plans.
 - An additional 1m setback of the projecting roof to Park Road.
 - Correction of Driveway grades and levels and additional information relating to parking to be shown on plans.
 - Additional parking space required and a turning bay to be provided in basement car park.
 - A bin storage room is required to be provided in a convenient location and with street level access.
18. On 2 August 2016 amended plans were submitted. The plans in part address the above issues.
19. On 17 and 23 August the applicant was emailed to advise that the following issues were unresolved:
 - Acoustic fencing material and design to be specified on plans.
 - Proposed bin room location at Park road frontage not acceptable and requires relocation.
 - Basement slab RL does not match bottom of driveway ramp level, requiring correction.
 - Submit an Operational Plan of Management for the centre.
 - Show signage for the centre
20. On 1 September 2016 the applicant submitted via email, an Operational Plan of Management, amended plans that moved the bin storage to the Glenview Street frontage, specifies the fencing material and amends the basement slab gradient and level.
21. On 2 September 2016 the applicant was emailed to provide further clarification on the relocated bin storage and provide elevations. Also, the applicant was advised to reconsider the location of signage at ground level on the fence behind landscaping to Park Road.
22. On 5 September 2016 further amended plans that address the above outstanding issues were submitted to Council. These plans are relied upon for assessment in this report.

Section 79C Assessment

23. The following is an assessment of the application with regard to Section 79C (1) of the Environmental Planning and Assessment Act 1979.

(1) **Matters for consideration – general**

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

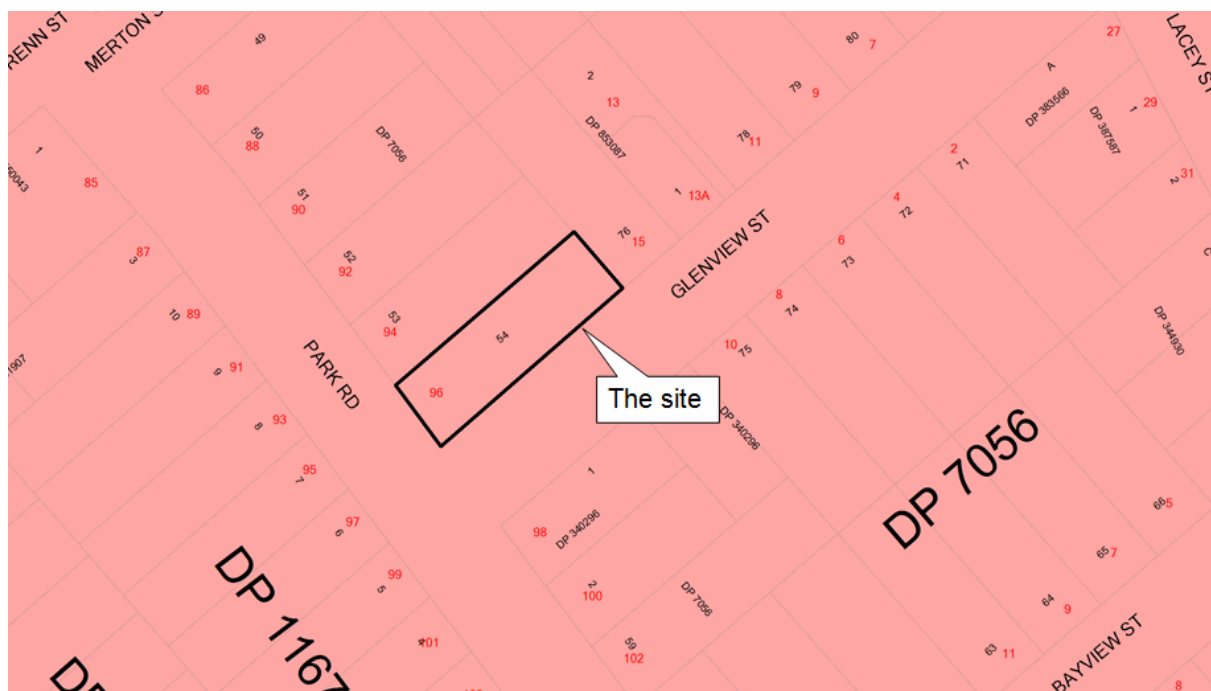
- (a) **the provision of:**
- (i) **any environmental planning instrument,**

Kogarah Local Environmental Plan 2012 (KLEP 2012)

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

24. The subject site is zoned R2 - Low Density Residential and *child care centres* is a permissible form of development with Council's consent. The proposed development satisfies the objectives of the zone.



Part 5 – Miscellaneous Provisions

Clause 5.9 – Preservation of Trees or Vegetation

25. The proposed development involves the removal of one (1) tree subject to the provisions of this clause.
26. The application was referred to Council's Parks and Recreation Coordinator who raised no objection to the removal of the tree on the site (*Plumeria acutifolia*) and that the following trees on the street and in neighbouring properties being protected.

27. The trees identified for retention in the Arborist Report prepared by Allied Tree Consultancy, dated 16 April 2016 and listed below shall be protected in accordance with the above report and the requirements of Section 4 - Australian Standard AS 4970-2009 - Protection of trees on development sites.

<i>Tree Species</i>	<i>Location of Tree/Tree No</i>	<i>TPZ</i>
<i>Jacaranda mimosifolia</i>	94 Park Road/ Tree 2	4.0 metres
<i>Tristaniopsis laurina</i>	Street tree- Glenview Street/ Tree 3	6.4 metres
<i>Tristaniopsis laurina</i>	Street tree- Glenview Street/ Tree 4	6.0 metres
<i>Tristaniopsis laurina</i>	Street tree- Glenview Street/ Tree 5	6.4 metres

28. Two (2) canopy trees are to be planted within the subject site and not within 3 metres of any existing or proposed structures. The replacement trees should have a minimum pot size of 75 litres.
29. The proposal satisfies the provisions of Clause 5.9 of KLEP 2012 subject to the imposition of suitable conditions as recommended above.
30. In addition, consideration has been given to the provisions of Section B2 – Tree Management & Greenweb of KDCP 2013 and the proposed development satisfies the relevant controls tree & greenweb management.

Clause 5.10 – Heritage Conservation

31. The subject site is not listed as a heritage item in Schedule 5, is not within a Heritage Conservation Area, nor are there any heritage items located nearby.

Part 6 – Additional Local Provisions

Clause 6.1 – Acid Sulfate Soils

32. The subject site is not shown as being affected by acid sulfate soils as identified on the Acid Sulfate Soil Map.

Clause 6.2 – Earthworks

33. The proposed earthworks are considered acceptable having regard to the provisions of this clause as the works are not likely to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Clause 6.3 – Flood Planning

34. The subject site has not been identified as a flood planning area on the Flood Planning Maps.

35. In addition, consideration has been given to the provisions of Section B6 – Water Management of KDCP 2013 and the proposed development satisfies the relevant controls related to flooding and drainage.

Deemed State Environmental Planning Policy – Georges River Catchment

36. All stormwater from the proposed development can be treated in accordance with Council's Water Management Policy and would satisfy the relevant provisions of the Deemed State Environmental Planning Policy – Georges River Catchment

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

37. A Planning Proposal for the New City Plan to amend Kogarah LEP 2012 is on exhibition from Monday 30 March 2015 until Friday 29 May 2015.
38. The New City Plan includes changes to zoning and the introduction of development standards in parts of the City to deliver a range of new housing options.
39. Specifically, the New City Plan proposes to maintain the R2 zone and incorporate height and floor space ratio controls of 8.5m and 0.55:1 respectively.
40. The proposal is generally consistent with the provisions of the New City Plan.
41. There are no other draft planning instruments that are applicable to this site.

(iii) any development control plan,

Kogarah Development Control Plan 2013 (KDCP 2013)

42. The proposed development is subject to the provisions of Kogarah Development Control Plan 2013 (KDCP 2013). The following comments are made with respect to the proposal satisfying the relevant objectives and controls prescribed in Part D4 – Child Care Centres and Part C1 – Low Density Housing.

Siting, Layout and Design

43. The proposal reasonably satisfies the objectives and controls for the siting, layout and design of child care centres. Due to its corner location at the junction of two (2) public roads, the subject site shares common boundaries with only two (2) residential properties.
44. The proposal utilises the driveway to the basement carpark and landscaping to create a substantial, 8.5 metre buffer to the residential property to No.15 Glenview Street and faces all outdoor play areas to Glenview Street and Park Road, away from residences.

45. The indoor play areas and associated amenities for children attending the child care centre are confined to the ground floor level of the building.

Location

46. Sites selected for child care centres should conform to the following desired criteria:
- Be situated in church or school properties;
 - Be within or adjoining existing recreation / open space areas;
 - Be corner sites;
 - Be located in areas where a proposed centre would have minimal effect on the amenity of adjoining properties;
 - Be of a similar scale and intensity of use to existing development in the area;
 - Be located in areas of high environmental quality;
 - Be easily accessible by public transport
 - Not have frontage and/or vehicular access to streets with high traffic volumes (that is 1500-2000 vehicles per day or more) and/or on streets where there is a high demand for on street parking during times of the day when centres are likely to be operating.
 - Not be located on roads with carriageways less than 8 metres in width;
 - Not be located in dead-end or cul-de-sac streets;
 - Not be affected by on-street parking restrictions such as bus stops, no standing areas, poor sight distances etc;
 - Not be located in or near industrial areas, former service stations or other similar sites where any risk of contamination or health hazard may occur
 - Not be located on sites with a frontage less than 20m to ensure that the width of the site is sufficient to allow pick up/drop off configuration and car parking requirements.
47. The proposal satisfies a number of the above criteria. The site is located on a corner in a residential area and is close to bus stops on a regularly serviced bus route. The proposal is similar in scale and intensity to the surrounding built environment and provides augmented landscape amenity to the streetscape.
48. The site is located on Park Road, which is listed as a road with a high traffic volume and therefore the proposal does not comply with this criterion. The variation is acceptable in this instance as the proposal provides access off Glenview Street and its vehicular and pedestrian access is well removed from the high traffic volume road. Drop off and pick up is designed for operation within the basement carpark and not on the street.
49. The proposal has access to Glenview Street, which has a carriageway of less than 8m wide. At 7.5m wide with wide grass verges, the street from which vehicular access is proposed does not satisfy the minimum width requirement by 0.5m.

50. Whilst the width is considered a minor variation, Council's Traffic Engineer has identified the potential for two-way traffic to be encumbered if cars are parked at the front of the site in Glenview Street. To ensure that two-way traffic can be maintained without queuing to exit or enter Glenview Street from Park Road, it is recommended that the following conditions be imposed:
- *The applicant shall pay a fee of \$1,500.00 to cover the costs for Council to install a "Give Way" sign and associated holding line and double centreline at the intersection of Glenview Street and Park Road, subject to approval from the Traffic Advisory Committee.*
 - *The applicant shall pay a fee of \$600.00 to cover the costs for Council to install a 30m "No Stopping, 7am – 9am, 4pm – 6pm, Mon – Fri" zone on the northern side of Glenview Street, between Park Road and the centre's driveway, subject to approval from the Traffic Advisory Committee.*
51. The site has a frontage of 15.27m to Park Road and 48.68m to Glenview Street. Whilst the Park Road frontage is less than the 20m specified above, the proposal satisfies the intent as vehicular access is off the wider frontage and can accommodate the required pick-up/drop-off arrangements.

Size of Centres

52. The proposed child care centre is to accommodate up to 34 children at any one time, complying with the 40 place limit that applies to child care centres located on sites previously or currently used for residential purposes, as in the case with the subject site.

Off-Street Car Parking & Traffic Movements

53. The following parking and traffic controls apply to the proposal:

There must be a minimum ratio of parking spaces to children of 1:4. This includes parking for both staff and parents.

Car park spaces design should comply with Australian Standard 2890-Parking Facilities.

A maximum of two parking spaces may be "stacked", provided they are clear of the driveway. Stacked parking spaces shall be designated for the use of staff only.

Access for motor vehicles, wherever possible, must be separated from pedestrian access by safety fencing and gates.

Provision should be made for one-way drive through arrangement on the site, which has separate ingress and egress. Within this driveway, provision should be made for a parking/passing bay. Alternative arrangements may be acceptable for corner sites.

All on-site parking must be designed so as to be able to leave the site in a forward direction.

54. The application was referred to Council’s Traffic Engineer who made the following comments in relation to the “Traffic and Parking Impact Assessment” by McLaren Traffic Engineering dated 26th April 2016:

- The existing site comprises a single detached dwelling.
- The development proposes the construction of a child care centre to accommodate 34 children and 5 staff members. The breakdown is as follows:
 - 8 children between 0-2 years old (2 staff)
 - 10 children between 2-3 years old (1 staff)
 - 16 children between 3-5 years old (2 staff).
- The hours of operation are 7am – 7pm, Monday to Friday.
- A traffic count was conducted at the intersection of Park Road / Glenview Street on Wednesday 4th November 2015 from 7am to 9.30am and from 4pm to 7pm. The peak hour was identified between 8am to 9am in the morning and between 5.30pm and 6.30pm in the afternoon. This represents a typical weekday.
- The traffic counts indicated that the right turn movement from Glenview Street into Park Road currently operates at LOS D in the AM and LOS E in the afternoon. During the peak hour periods there were 4 vehicles making this movement in both the AM and PM.
- Council’s Development Control Plan Part D4 – Child Care Centres states that there must be a minimum ratio of parking spaces to children of 1:4, this includes parking for both staff and parents. As the centre is proposing 34 children, the centre requires a minimum of 8.5 (say 9) parking spaces as per the DCP. As only 8 are proposed (and as mentioned above, one space may be converted to a turning bay), Council cannot accept a shortfall in parking on-site. If 8 spaces and a turning bay are proposed this allows a maximum 32 children. If one space is converted to a turning bay (ie 7 spaces available), the maximum number of children shall be 28.
- In accordance with the RMS “Guide to Traffic Generating Developments”, Section 3.11.3, the estimated traffic generation of the site for a long-day centre will be as follows:

TIME	RATE (Peak trips / child)	TRAFFIC GENERATION
7AM – 9AM	0.8	(34 x 0.8) = 27 trips
2.30PM – 4PM	0.3	(34 x 0.3) = 10 trips
4PM – 6PM	0.7	(34 x 0.7) = 24 trips

- As can be seen above, the highest traffic generation of the centre will occur between 7am – 9am and calculates at 27 vehicle trips. This equates to 1 vehicle every 4 ½ minutes.

- The traffic consultant has assumed that 66% of traffic entering and exiting the site would use the intersection of Park Road / Glenview Street and the remaining 34% would use the intersection of Glenview Street / Lacey Street and these assumptions would appear to be accurate. Using these calculations, there would be the following additional numbers at each intersection over the relevant periods:

TIME	INTERSECTION	ADDITIONAL TRAFFIC NUMBERS
7AM – 9AM	PARK / GLENVIEW	$(27 \times 0.66) = 18$
	GLENVIEW / LACEY	$(27 \times 0.34) = 9$
2.30PM – 4PM	PARK / GLENVIEW	$(10 \times 0.66) = 7$
	GLENVIEW / LACEY	$(10 \times 0.34) = 3$
4PM – 6PM	PARK / GLENVIEW	$(24 \times 0.66) = 16$
	GLENVIEW / LACEY	$(24 \times 0.34) = 8$

- As per the RMS Document (Section 4.3.5), the Environmental Capacity on Local Residential Streets is:

Road Class	Road Type	Maximum peak hour volume (veh/hr)
Local	Street	200 environmental goal
		300 maximum

- The traffic count that was conducted in Glenview Street indicated that in the AM peak hour period there were 11 vehicles and the PM peak hour period there were 22 vehicles using the nearby intersection. This indicates that Glenview Street operates well below the RMS environmental goal of 200 vehicles during the peak hour period. The addition of the traffic in Glenview Street generated by the proposed child care centre to these existing numbers would still be under the allowable 200 vehicles per peak hour limit set by RMS.
- The above mentioned traffic generation rates have been added to the existing intersection traffic volumes for analysis. The analysis compares the existing operations to the future scenario after the construction of the development with increased traffic. The analysis indicates that the surrounding intersections will continue to operate at their current Level of Service and is in accordance with RMS requirements.

As a summary, based on the expected traffic generation volume, the traffic section has no reason to reject the application for the construction of a child care centre for 34 children at 96 Park Road, Kogarah Bay. However the design shall be modified so that there is no shortfall of on-site parking as mentioned in the first section above.

55. Subsequent submission of amended plans add an additional parking space to the site and address the issue raised above. The proposal as amended satisfies the DCP requirements and traffic generation is well within acceptable limits.

Outdoor Play Areas

56. *Outdoor and indoor play areas must be clearly identified and dimensioned on the submitted DA plans.*
57. The proposal satisfies the above requirement.
58. *Locate outdoor and indoor play areas to the north or north eastern portion of the site where practical.*
59. The proposal locates outdoor play and orients indoor play areas to the south and west, which does not satisfy the above requirement. However, the location is supported on merit for the following reasons:
- The orientation of play areas is to the street and away from adjoining residential properties, improving amenity thereto.
 - The layout of play areas provided some parts with a northern aspect as Group 2 outdoor area is a central courtyard that extends across the whole site. Group 1 outdoor play area is oriented across the front of the building to the West, obtaining good north-western orientation. Group 3 has a rear courtyard area that has a northern orientation.
60. *Locate outdoor play areas away from the main entrance, car parking areas or vehicular circulation areas.*
61. The proposal satisfies the above requirement.
62. *Provide adequate separation between outdoor play areas and habitable rooms of adjoining residential properties.*
63. The proposal satisfies the above requirement.
64. *Indoor play areas must have adequate access to sunlight and natural ventilation.*
65. The proposal satisfies the above requirement.
66. *Dedicate at least 50% of outdoor play areas for unencumbered activity and use a variety of surfaces (e.g. grass, sand, hard paving, and moulding).*
67. *The proposal satisfies the above requirement.*
68. *Provide physical shading devices that are integrated into the design of the building. The material and colour of shading devices must be considered in relation to the streetscape and adjoining properties.*

69. The proposal satisfies the above requirement, utilising projecting roof structures that are well integrated into the architecture of the building.
70. *Toilets should be easily accessible from both indoor and outdoor play areas.*
71. The proposal satisfies the above requirement.
72. *Design and layout of outdoor play areas should maximise clear sight lines and ensure ease of access to the main indoor play areas.*
73. The proposal satisfies the above requirement.

Facilities Provision

74. The proposal is designed to enable all of the facilities to be provided in accordance with the DCP.

Landscaping

Objectives

- (a) *Enhance the setting of child care centres and the environmental quality of the neighbourhood.*
 - (b) *Protect the existing landscape features of the site where possible.*
 - (c) *Protect the amenity and privacy of adjoining property owners.*
75. The proposal satisfies the above objectives and the controls that require provision of at least 40% of the site as 'soft' landscaping. The proposal also provides over 25% of the site as deep soil landscaping, which is in excess of the minimum of 15% required for dwellings in a residential context.
 76. The proposal provides landscape buffering to the street and neighbouring properties to maximise privacy and minimise visual impact of the building and fencing.
 77. The requirement that new driveways and off-street parking areas should be surfaced with "hard" landscaping is not feasible for accessing a basement carpark. However, the basement design results in less hardstand area on the ground level than does at-grade car parking, and a much higher proportion of the site can comprise deep soil landscaping.
 78. Council's Parks and Recreation Coordinator has reviewed the proposal and makes the following comment:

*The landscape plans (JOB.DWG No: **36.16/113**) prepared by **IScape Landscape Architecture** on **March 2016** have been approved by Council subject to a condition being imposed that all playground equipment and the installation of all surfaces within the playground areas comply with Australian Standard-AS 4685 : Playground Equipment.*

Noise

79. The proposal satisfies the requirement that designs should aim to locate playrooms, sleep rooms and playgrounds away from the noise source. Where necessary the impact of noise must be reduced by barriers such as solid fencing, placement of buildings or acoustic treatment within the building.
80. *Centres must be carefully designed so that noise is kept to a minimum and does not create an "Offensive Noise" as defined in the Protection of the Environment Operations Act 1997. Factors to consider are:*
- *layout and orientation of buildings;*
 - *erection of noise barriers;*
 - *insulation of external noise sources (e.g. air conditioners);*
 - *window glazing;*
 - *fencing placement, design and materials*
81. The design of the proposal has taken the above factors into consideration. The application is also accompanied by an Acoustical Assessment and Report prepared by SLR Consulting Australia Pty Ltd (dated 26 April 2016). The application was referred to Council's Environmental Health Officer who raised no objections to the proposal subject to the imposition of suitable conditions.

Health and Safety

82. *Access should be provided and designed in accordance with AS 1428.1 Design for Access and Mobility, and in all respects comply with Part D of the Building Code of Australia for the relevant class of building. Reference to these requirements should be made in the early stages of the design to ensure the development complies with the relevant standards.*
83. *The proposal satisfies the relevant provisions of AS 1428.1 Design for Access and Mobility.*
84. The application was referred to Council's Senior Building Surveyor for assessment against the relevant provisions of the Building Code of Australia a number of issues with fire egress distance to exits were raised, though have been addressed in the amended plans.

Hours of Operation

85. The proposal satisfies the relevant objectives and controls relating to hours of operation. The proposed hours of operation of the child care centre are from 7am up to 6pm on Mondays to Fridays, excluding public holidays. These hours of operation are consistent with the relevant control and will meet the varying needs of prospective parents and children whilst at the same time ensuring that the amenity of adjoining residents is not unreasonably impacted. The ability to operate long-day with only 34 children will spread the

concentration of pickup and drop-off, reducing potential traffic and parking conflicts.

86. Importantly, the proposed hours of operation avoid times of the day when residents have a reasonable expectation of peace and quiet, such as later in the evening when they are preparing for sleep.

Signage

87. *Only one appropriately located and designed external sign which is limited to identifying the name of the centre and hours of operation will be permitted.*
88. *Illuminated signs are not permitted. However signs may be externally lit by spotlights.*
89. Signage is specified in two locations on the plans on the southeastern and southwestern parapets. Whilst not complying with the limit of a single sign per premises. The signs are limited in area, well integrated into the façade design and are limited to one per street façade and are therefore acceptable.

Streetscape Character

Building Scale

90. The permitted Floor Space Ratio is 0.52:1 (382.4m²). The proposal has a Floor Space Ratio of 0.43:1 (315m²), which is substantially less than that permitted on the site and is evidenced by the large setbacks and high level of articulation to reduce and break up massing the building.
91. The proposal complies with the 7.8m height limit.
92. The second storey of the proposal extends 82.2% of the site depth, which does not comply with the maximum of 60% that applies to dwellings (or childcare centres that should have the scale and proportions of dwellings in the residential area).
93. The variation is acceptable in this instance as the site is a corner allotment that could accommodate a detached dual occupancy, which could be built at 2 storeys as close as 1.2m from the rear boundary (side boundary of No.15 Glenview Street). The element is only 6.3m wide, with a 7.5 x 16.5 metre area of the rear corner of the site with no two-storey element. Further, the site is south and west of adjoining properties and only overshadows the street.
94. Whilst a long building, the proposal adopts large setbacks and highly articulated walls to the north and south.

Rhythm of Built Elements in the Streetscape

95. The proposed setbacks are consistent with the streetscape, if not more generous than would a dwelling or detached dual occupancy result in on the site.

96. The proposal adopts a front setback of 7.6m to the façade and 6.2m to the roof over the outdoor play area to Park Road. The proposal is forward of the neighbouring dwelling at No.94 Park Road, which is setback 8.95m, though adopts a greater setback than No.98 Park Road, across Glenview Street, which has a setback of 3.8m. The proposal maintains the general setback alignment along Park Road.
97. The provision of a basement garage reduces the amount of parking and driveway areas at street level, increasing landscaping provision and providing a more residential presentation to the streetscape than would an at-grade drop-off and pick up parking area.

Fenestration and External Materials

98. The proposal adopts a contemporary design that is compatible, if not entirely consistent with the streetscape.

Street Edge

99. No fencing to Park Road is proposed. Instead the front setback zone is to be landscaped with trees and understorey planting, screening the proposed building and fencing behind from the street and contributing positively to the corner.
100. The nature of the use and the positioning of outdoor play areas away from adjoining residences results in substantial fencing along the secondary (Glenview Street) frontage. However, the impact of fencing is mitigated as the proposal sets the fence back behind 1m wide planters along the frontage (with the exception of the timber slatted section accommodating garbage bins).
101. The proposal is considered a positive improvement to the street edge of both Park Road and Glenview Street.

Solar Access

102. The proposed development only overshadows Glenview Street and Park Road with negligible impact restricted to the side of No.98 Park Road (across Glenview Street) at 3pm on June 21. However, it is likely that the side fence of No.98 Park Road overshadows its own private open space at this time in any case.

Views and View Sharing

103. No issues are raised with respect to views.

Kogarah Development Control Plan 2013 Compliance Table

104. The following table outlines the proposals compliance with the primary controls contained within KDCP 2013.

Control	Required	Proposed	Complies?
Section D4 – Child Care Centres			
Child Placement Capacity	40 (max)	34	Yes
Car Parking	1 space/4 children = 9 spaces (min)	9 spaces	Yes
Soft Landscaping	40% or 293m ² (min)	42.7% or 313m ²	Yes
Section C1 – Low Density Housing			
Floor Space Ratio	0.52:1 (382.4m ²)	0.43:1 (315m ²)	Yes
Height to Ceiling	7.2m (max)	6.9m	Yes
Height to Roof	7.8m (max)	7.8m	Yes
Two (2) Level Depth	60% (max)	82.2%	No
Front Setback	8.5m (neighbour)	7.6m	Yes on merit (corner site)
Secondary Setback	1.2m (min)	1.5 – 5.9m	Yes
Side Setback	1.2m (min)	1.2m	Yes
Rear Setback	7.2 m (min)	8.5m	Yes

Section 94A Contributions

105. The proposed development requires payment of \$16,501.00 of Section 94A levies based on the provisions of Kogarah City Council - Section 94A Development Contributions Plan 2014. The contribution amount is based on 1% of the overall cost of the development.

(iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,

106. Not applicable.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

107. The proposed development is of a scale and character that is in keeping with other dwellings being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment of the locality.

(c) the suitability of the site for the development,

108. It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

(d) any submissions made in accordance with this Act or the regulations,

109. In accordance with the provisions of Section A2 – Public Notification of KDCP 2013 the application was placed on neighbour notification for a period of fourteen (14) days. Adjoining property owners were notified in writing of the proposal and invited to comment. Thirty-three (33) submissions (including 9 individual submissions and 24 pro-forma letters) were received raising the following concerns:

Traffic and Parking Impacts

Comment

110. The objectors raise concern that the proposal will increase traffic and on-street parking in the vicinity of the site, particularly Glenview Street. The objectors are also concerned that Glenview Street is narrower than the other streets off Park Road, making the site unsuitable for the proposal. The objectors also state that Glenview Street has a lot of through traffic and with the traffic from the childcare centre, will make it difficult for residents to access and egress their properties.
111. The proposal has been assessed by Council's Traffic Engineer and found that traffic generation will not be significant and well within acceptable limits. It is also recommended that conditions be imposed to limit on-street parking along a 30m length of frontage from the corner of Park Road to ensure dual carriage is maintained at the corner to exit and enter Park Road.

Pedestrian and traffic safety risks

Comment

112. A number of objectors have raised concern that the proposal will result in safety risks to pedestrians and vehicles as Park Road has a high traffic volume and the objectors state that accidents that could occur would put children's lives at risk.
113. The objectors have referred to a number of car crashes in the vicinity of the site and non-local examples.
114. As already discussed in this report the proposal is designed to locate vehicular access at the north-eastern corner in Glenview Street and not off Park Road or near the corner. Pedestrian access is also located away from Park Road and the corner. Furthermore, pick up and drop off of children will be in the basement that minimises the risks raised by objectors.
115. The issue does not warrant refusal of the application.
116. *Errors in documentation*

Comment

117. The objector from No.94 Park Road states that the submitted Traffic and Parking Assessment (McLaren Traffic Engineering, dated 26/04/16) incorrectly stated No.94 Park Road as the subject site address, thereby calling into question the validity of the report and its contents. This is a typographic error. The objection is unreasonable.
118. The objector from No.15 Glenview Street raises a number of concerns with the submitted Traffic and Parking Assessment (McLaren Traffic Engineering, dated 26/04/16).
119. The data in the intersection performances and number of cars for traffic and parking is questioned. However, this opinion is unsubstantiated. The intersection performance has been found accurate by Council's Traffic Engineer.
120. The objector also states that the report quotes five (5) staff members where the proposal will have six (6) staff members to meet child to staff ratio requirements. The objector also states that seven staff would be required in total (one additional staff member for other than teaching duties).
121. The objector is correct in his statement that complying with the ratios would require six (6) rather than five (5) staff. However, he has misinterpreted the Traffic Report, which uses *staff drivers* not *total staff*, which was taken at 80% of total staff, or five out of six, driving to work. Below is an extract of the McLaren Report:
- Staff drivers have been surveyed by McLaren Traffic Engineering to be approximately 50% of total child care centre staff and the RMS found in 1992 that 80% of total child care centre staff are drivers. Assuming the average of these two will apply to the proposed centre this suggests a staff driver percentage of 65% or about two thirds. For 5 staff, the number of cars parked at peak staff levels (between 9:30am to 3:30pm) would be 4 cars. It is noted further that staff arrive at different times to visitors, with staff numbers being 50% or less prior to 9:30am and after 3:30pm. Hence, the proposed off-street staff parking provision of four (4) staff spaces is adequate to cater for the staff parking demand. Nevertheless, if the 5th staff member required an off-street car space, one of the visitor spaces can be utilised between the hours of 9:30am-3:30pm (i.e. outside of peak pick-up / drop-off times) since it is highly likely that one of the staff members will have a shift time within these hours and will therefore arrive / depart outside of the peak pick-up / drop-off times.*
122. The above assessment is reasonable and is supported.

Stormwater Issues

Comment

123. The objectors from No.94 Park Road raise concern that if there is a blackout in a storm, the pumps in the basement to pump out stormwater will fail and not be able to protect the building from flooding.
124. The stormwater plan includes notes on the pump out system, including sump details, floats to detect levels and alarms. The proposal is designed to appropriate standards and has been checked and approved by Council's Catchment and Waterways Department.
125. The issue does not warrant further modification or refusal.

Noise

Comment

126. The objectors raise concern with noise impacts from children in the proposed childcare centre as well as from parents dropping off and picking up children.
127. As already discussed in this report the proposal has been designed to attenuate noise impacts to within acceptable limits and times and it is recommended that a number of conditions be imposed to ensure that it is constructed and operated accordingly.

Mediation/Public Meeting

128. Telephone conversations have been held with a number of objectors during the assessment process. No mediation has been undertaken with objectors.

(e) *the public interest.*

129. The proposed development is of a scale and character that does not conflict with the public interest.

Conclusion

130. The application has been assessed having regard to the Heads of Consideration under Section 79C of the Environmental Planning and Assessment Act 1979, the provisions of KLEP 2012 and KDCP 2013.
131. Following detailed assessment it is considered that Development Application No 74/2016 should be approved subject to conditions.

Attachments

1. A4 Set of Plans

Recommendation:

- a) That Council, as the Consent Authority, pursuant to Section 80(1)(a) of the Environmental Planning & Assessment Act, 1979, grant consent to Development Application 74/2016 for the demolition of existing dwelling and construction of a new Child Care Centre at 96 Park Road, Kogarah Bay, subject to the following conditions:-

SPECIFIC DEVELOPMENT CONDITIONS

SECTION A - General Conditions

The conditions that follow in this Section A of the Notice of Determination are general conditions which are imposed to ensure that the development is carried out in accordance with the development consent.

(1) Approved Plans of Consent

The development must be implemented in accordance with the approved plans, specifications and details listed below and any supporting information submitted with the Development Application except as amended by any conditions attached to the Development Consent:

- (i) Architectural plans – prepared by FLDC Architects; Job No. P15–07; Drawing Nos. DA-PL-No.003, DA-PL-No.004, DA-PL-No.005, DA-PL-No.006, DA-PL-No.007, DA-PL-No.008, Rev. C, dated 01/09/2016.
- (ii) Landscape plans – prepared by iScape Landscape Architects; Job/Drawing No. 36.16/113, dated March 2016.
- (iii) Stormwater plans – prepared by Lomford Engineers; Project No. 16-96PARK; Page Nos. 101 (Issue A) dated 22 March 2016, 201 (Issue B) dated 26 April 2016, 301 (Issue A) dated 22 March 2016, 401 (Issue A) dated 22 March 2016, 501 (Issue A) dated 23 February 2016.
- (iv) Operational Plan of Management prepared for the “Cuddly Cubs Early Education and Child Care” at 96 Park Road, Kogarah Bay, dated by Council 06/09/2016.

(2) Centre Capacity

The childcare centre is limited to a maximum capacity of thirty-four (34) children. All indoor and outdoor play areas are limited to the ground floor only, with the first floor being restricted to staffing areas as specified on the plans.

(3) Noise from the use of the premises

To minimise the impact of noise from the use of premises on the neighbouring premises, the proposed development shall be constructed in accordance with the recommendation of the acoustic report ref No. 610.15817-R2 prepared by SLR Global Environmental Solutions, titled "*Proposed Child Care Centre 96 Park Road, Kogarah Bay*" dated 26 April 2016 submitted as a part of the development application.

SECTION B –Prior to the Issue of a Construction Certificate or Demolition Conditions

The conditions that follow in this Section B of the Notice of Determination relate to the payment of fees, amendments being made to the proposal, further investigation being undertaken or the preparation of documentation that must be complied with prior to the issue of a Construction Certificate or Demolition.

Note: A copy of the Construction Certificate shall be forwarded to Council prior to commencement of construction where Council is not the certifier who issued the Construction Certificate.

(4) Asset & Building Fees

Payment of the following amounts as detailed below:

- Damage Deposit of \$24,500.00
- Driveway and Restoration Works Design Inspection Fee of \$ 750.00
- Asset Inspection Fee of \$ 110.00
- Section 94A Contributions of \$16,501.00
- No stopping sign installation \$ 600.00
- Glenview Street Intersection Line Marking \$ 1,500.00

(5) Section 94A Contributions

As at the date of Development Consent a contribution of \$16,501.00 has been levied on the subject development pursuant to Section 94A Contributions Plan. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan. The amount payable of monetary Section 94 contributions will be indexed on 1 July each year in accordance with the Contribution Plan.

The Section 94A Contributions Plan may be inspected at the Georges River Council Customer Service Centres or online at www.georgesriver.nsw.gov.au.

(6) Dilapidation Report

Prior to issue of any construction certificate or commencement of any demolition or earth works on site, the applicant shall submit, for acceptance by the Principal Certifying Authority (PCA), with a copy forwarded to Council where Council is not the PCA, a full dilapidation report on the visible and structural condition of the following properties;

- (i) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

The report must be completed by a suitably qualified consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal, the subsoil conditions and any recommendations of a geotechnical report for the site. The report shall have regard to protecting the applicant from spurious claims for structural damage and shall be verified by all stakeholders as far as practicable.”

Reports relating to properties that refuse access to carry out inspections to complete the dilapidation report, after being given reasonable written notice to request access (at least 14 days) at a reasonable time (8.00am-6.00pm), are not to hold up the release of the Construction Certificate.

(7) Revised Landscape Plan

The landscape plan prepared by iScape Landscape Architects, Job/Drawing No. 36.16/113, shall be revised having regard to the requirements of section B2 – Tree Management and GreenWeb of Kogarah Development Control Plan 2013:.

- (a) The amendments made to the approved architectural plans.

The revised landscape plan shall be prepared by a landscape designer or landscape architect.

Note: A Landscape Designer is a person eligible for membership of the Australian Institute of Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

Certification to this effect shall be provided by an accredited certifier.

(8) Clearances to Overhead Mains

If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, the applicant is to confer with Ausgrid to determine if satisfactory clearances to any existing overhead mains will be affected. If so, the applicant is to make arrangements with Ausgrid for any necessary modification to the electrical network in question.

These works to be at the applicant's expense and Ausgrid's requirements are to be met prior to actual construction commencing on site or as agreed with Ausgrid.

(9) Sydney Water (DA Only)

The approved plans must be processed through Sydney Water to determine whether the development will affect any Sydney Water asset's (sewer and water mains, stormwater drains and/or easements) and if any further requirements need to be met. An approval receipt will be issued by Sydney Water which is to be submitted to Council or the Principal Certifying Authority.

Please refer to the web site www.sydneywater.com.au for;

- Sydney Water Tap in – see Plumbing, building and developing and then Sydney Water Tap in; and
- Building over/adjacent to a Sydney Water Asset - see Plumbing, building and developing, building then Building Approvals or telephone 13 20 92.

SECTION C – Prior to Commencement of Construction Conditions

The conditions that follow in this Section C of the Notice of Determination are specific to the proposed development and must be complied with prior to the commencement of construction on the site.

(10) Geotechnical Report

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site. In this regard, all excavated waste materials shall be disposed of at an approved Waste Depot.

No rock breaking or other machinery for the excavation, drilling, cutting or removal of rock shall be used on the site prior to the acceptance by the principal certifying authority of the following documentation:

- (i) A report by a geotechnical engineer detailing the measures recommended in undertaking the works so as to prevent damage to any adjoining or nearby buildings.
- (ii) The type and size of machinery proposed.
- (iii) The routes of all trucks to convey material to and from the site.

(11) Certification of Detailed Plan

The detailed stormwater plan is to be certified by a Chartered Professional Engineer. A statement, that the stormwater system has been designed in accordance with Council's Water Management Policy and satisfies the provisions and objectives of that policy, must be included in the Stormwater Detailed Plan.

(12) On-Site Detention

A 20.4m³ On-Site Detention system with a Maximum Site Discharge of 12.8 Litres per Second is to be provided in accordance with the Stormwater Concept Plan and associated Design Assessment Report. The overflow is to be directed to the site drainage system.

(13) Structural Engineer's Details

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

(14) Tree Protection

Prior to the commencement of any works on the site the tree protection measures required for the established Tree Protection Zone (TPZ) of the trees to be retained shall be installed in accordance with Section 4 - *Australian Standard AS 4970-2009 - Protection of trees on development sites*.

Unless otherwise specified in AS 4970-2009 a protective fence consisting of 1.8m high fully supported chainmesh shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed below. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.

There shall be no services installed within the drip line TPZ of the tree. This fence shall be kept in place during demolition, construction and also have a sign displaying "Tree Protection Zone" attached to the fence, this must also include the name and contact details of the Project Arborist.

(15) Tree Retention – Arborist Report

The trees identified for retention in the Arborist Report prepared by Allied Tree Consultancy and dated 16 April 2016 and listed below shall be protected in accordance with the above report and the requirements of Section 4 - *Australian Standard AS 4970-2009 - Protection of trees on development sites*.

Tree Species	Location of Tree/Tree No	TPZ
Jacaranda mimosifolia	94 Park Road/Tree 2	4.0 metres
Tristaniopsis laurina	Street Tree – Glenview Street/Tree 3	6.4 metres
Tristaniopsis laurina	Street Tree – Glenveiw Street Tree 4	6.0 metres
Tristaniopsis laurina	Street Tree – Glenview Street / Tree 5	6.4 metres

(16) Protection of Site – Hoarding

A hoarding or fence must be erected between the work site and the public place if:

- the work involved in the erection or demolition of a building is likely to cause obstruction or inconvenience to pedestrian or vehicular traffic in a public place; or
- if it involves the enclosure of a public place.

If necessary an awning is to be erected which is sufficient to prevent any substance from or in connection with the work from falling into a public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

If the work site is likely to be hazardous to persons in a public place, it must be kept lit between sunset and sunrise.

(17) Driveway

In respect to vehicular access to the proposed development the gutter crossing and driveway are to be reconstructed between the kerb and street alignment to Council's specifications.

In this regard a separate driveway application is to be lodged with Council for works outside the property boundary. Furthermore the design boundary level is to be received from Council prior to construction of the internal driveway.

(18) Council Infrastructure Inspection

Prior to the commencement of any works an authorised representative of the applicant is to organise and attend a meeting on site with Council's Infrastructure Compliance Co-ordinator to discuss protection of Council's infrastructure. To organise this meeting contact Council's Customer Service Centre on 9330 6400.

(19) Public Liability Insurance

All nominated contractors / applicants carrying out driveway and/or restoration works on Council property must carry public liability insurance with a minimum cover of twenty million dollars (\$20,000,000.00). In this regard, prior to commencement of works, the principal contractor is to lodge an "Application for the Construction of Work by Private Contractor" to Council, which includes submitting evidence of their current insurance. The principal contractor must ensure that sub-contractors are also adequately insured.

(20) Soil Erosion Controls

Prior to commencement of any site works, erosion and sediment controls are to be installed in accordance with Environmental Site Management Policy and any approved Soil & Water Management Plan and shall incorporate:

- Measures to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways;
- Controls to prevent tracking of sand, soil, aggregates, etc, by vehicles onto adjoining roadways.

(21) Detailed Stormwater Plan

The submitted stormwater plan has been assessed and approved as a concept plan only. No detailed assessment of the design has been undertaken. A Detailed Stormwater Plan and supporting information of the proposed on-site stormwater management system is to be submitted. The required details in this Plan and the relevant checklist are presented in Council's Water Management Policy.

The design parameters and the general concept of the proposed on-site stormwater management system are to be the same as documented in the approved Concept Stormwater Plan for the proposed development. Any conceptual variations to the stormwater design will require written approval from Council and will require to be justified and supported by appropriate details, calculations and information to allow for proper assessment.

The Detailed Stormwater Plan is to address the following issue(s):

- a) Due to the maximum ponding depth of the On-Site Detention Tank being less than one metre, the tank shall have multiple access points. These are to be located so that there is a maximum distance of three metres from any point in the tank to the edge of the nearest access. This should allow any point in the tank to be reached with a broom or similar implement without the need to enter the tank.
- b) The volume of On-site detention storage provided is to be increased to be a minimum of 20.4m³.
- c) The design is to be amended to allow for the Top Water Level of the On-site detention tank to be a minimum 300mm below the finished ground floor level of the adjacent section of the building at the south-west end of the site.
- d) The orifice detail has not been provided on the Concept Stormwater Plan. The orifice detail including the required orifice diameter to allow for the maximum design discharge of 12.8 Litres per second is to be provided in the Detailed Stormwater Plan.
- e) A suitably qualified engineer is to certify that appropriate design measures have been taken to ensure that the basements is protected from flooding in the case of the On-site Detention systems malfunctioning.

SECTION D – Construction and Operational Conditions

The conditions that follow in this Section D of the Notice of Determination are imposed to ensure the development is constructed and operates having regard to relevant legislation and does not unreasonably impact on the amenity of the locality or environment during the construction phase or the operation of the use.

(22) Inspections

The following lists of inspections are the **MANDATORY CRITICAL STAGE INSPECTIONS** that **MUST** be carried out by the Principal Certifying Authority (PCA).

- (a) at the commencement of building works
- (b) after excavation for, and prior to the placement of, any footings, and
- (c) prior to pouring any in-situ reinforced concrete building element, and
- (d) prior to the covering of the framework for any floor, wall, roof or other building element, and
- (e) prior to covering waterproofing in any wet areas, and
- (f) prior to covering any stormwater drainage connections, and
- (g) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- (h) in the case of a swimming pool, as soon as practicable after the barrier (if one is required under the Swimming Pools Act 1992 has been erected.

Certificates from your engineer or subcontractor are **NOT** acceptable in the first instance for the above inspections. Failure to have your PCA carry out these inspections could result in a delay or refusal to issue an Occupation Certificate.

In addition to the above, it is recommended that the following inspections be carried out for the subject development;

- Erosion Control
- Earthworks/Excavation
- Building setout
- Driveways
- Landscaping
- Pool Fencing
- Other

(23) Disposal of Stormwater

All roof water and surface water from paved or concreted areas are to be disposed of in accordance with the Stormwater Plan by means of a sealed pipeline constructed in accordance with AS/NZS 3500.3:2015.

(24) Storage of materials on Public Road

All building materials or waste containers must be stored within the confines of the site. The storage of such building materials, waste containers or equipment associated with the project upon the public roadway, including the pedestrian footway or unpaved verge, is prohibited.

(25) Use of Crane on Public Road

Prior approval must be obtained from Council a minimum of 24 hours before the use on any site of a crane, hoist or similar machinery that will be used to transfer materials across Council's footpath. This includes cranes that are situated on roadways, footpaths and road reserves.

Any application for approval must be accompanied by the following information:-

- Site sketch indicating the proposed location of the crane, pedestrian controls and traffic controls;
- A copy of current public liability insurance with minimum cover of twenty million dollars (\$20,000,000) indemnifying Council in the event of an incident;
- A copy of an RMS accredited traffic control plan;
- Proof that the local area command of the NSW Police have been advised of the proposal.

The use of a crane, hoist or similar machinery on any site without prior approval is prohibited.

(26) Stormwater to Kerb

Any stormwater connections to the kerb and gutter are to be in accordance with Council's '*Specification for Construction by Private Contractors*'.

(27) Redundant Driveway

All existing vehicular crossings adjacent to the subject premises that have become redundant shall be removed and the footway and kerb and gutter reinstated at the developer/applicants expense.

(28) Work within Road Reserve

A Development Consent or any related Construction Certificate does not allow for the erection of a structure or to carry out work in, on or over a public road. Should a structure or work be required a separate approval under S138 of the Road Act 1993 must be granted by Council prior to the commencement of any works within the road reserve. Applications may be made at Council's Customer Service Centre.

(29) Damage within Road Reserve & Council Assets

The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.

(30) Public Utility & Telecommunication Assets

The owner shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines & cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.

(31) Loading/Unloading Operations

Loading and unloading operations shall be confined within the property and within any defined loading areas indicated on the approved plans.

(32) Garbage Room

The proposed garbage room being provided with the following:-

- a) A smooth concrete floor graded and drained to a floor waste connected to the sewer of the Water Board.
- b) The walls being cement rendered with the intersection of the walls and floor being coved to a radius of not less than 25mm.
- c) The door being close fitting to prevent the access of rats and mice.
- d) A cold water hose cock being provided for the cleaning of containers and the room itself.
- e) Ventilation being provided by means of direct connection to the outside air to the satisfaction of Council.
- f) A sign, minimum size 600mm x 600mm, directing residents not to place recyclables in garbage carts and encouraging residents to recycle. Details of an acceptable wording for the sign are available from Council.

(33) Hours of Operation

The hours of operation shall be limited to the following:-

Monday to Friday 7:00 am to 6:00 (no operations on Saturday, Sunday or Public Holidays)

Exceptions to the above times are permitted up to 7:30pm for parent information nights, meetings and parent teacher interviews as described in the Operational Plan of Management approved as part of this consent.

(34) Hours of Construction

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

(35) Provision of Amenities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site or as specified by Workcover requirements .

- each toilet provided must be a standard flushing toilet and must be connected:
- to a public sewer; or
- if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council; or
- if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities must be completed before any other work is commenced.

(36) Letter Boxes

Suitable letter box facilities (including Owner's Corporation in the case of strata units) shall be provided in accordance with Australia Post specifications.

(37) Provision of a Give Way Sign at Intersection

The applicant shall pay a fee of \$1,500.00 to cover the costs for Council to install a "Give Way" sign and associated holding line and double centreline at the intersection of Glenview Street and Park Road, subject to approval from the Traffic Advisory Committee.

(38) Provision of "No Stopping" Signage

The applicant shall pay a fee of \$600.00 to cover the costs for Council to install a 30m "No Stopping, 7am – 9am, 4pm – 6pm, Mon – Fri" zone on the northern side of Glenview Street, between Park Road and the centre's driveway, subject to approval from the Traffic Advisory Committee.

(39) Turning Bay in Carpark

The turning bay in the Basement Car Parking Area shall be signposted as "Turning Bay – No Parking" or similar.

(40) Sight Distance for Vehicles

The sight distance for vehicles exiting the driveway onto Glenview Street shall comply with the requirements of *AS/NZS 2890.1:2004 - Off Street Car Parking, Section 3.2.4(b)*. There shall be no planting of any vegetation in these areas that could lead to a sight obstruction when they are matured.

(41) Approval for "Works Zone"

The installation of a "Works Zone" for the site will require the approval from the Traffic Advisory Committee. As a result, the applicant shall provide a formal request to Council's Traffic Section with the duration and exact location of the required "Works Zone" at least 6 weeks prior to its required installation date. All costs associated with the installation of a "Works Zone" will be at the applicants expense.

(42) Road Closure Application

A Road Closure Application form and associated documents shall be submitted to Council for approval at least 5 business days prior to any proposed lane closure for concrete pours, cranes or other activities involved in the demolition, excavation and construction on the site.

(43) Certification of Food Premises

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas all building work in connection with the occupation or use of the premises intended for the preparation and storage of food shall be designed and implemented in accordance with the requirements of:-

- Food Act 2003;
- Food Regulation 2010;
- Food Safety Standards 3.1.1, 3.2.2 and 3.2.3;
- Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises);
- Sydney Water Corporation;
- Australian Standard AS 1668 Part 1 – 1991;
- Australian Standard AS 1668 Part 2 – 1991;
- The Building Code of Australia.

Certification to this effect shall be provided by an appropriately qualified person.

(44) No Sign erected without DA Consent

No advertisement or sign shall be erected or displayed without development consent from Council, unless exempted under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or Kogarah Local Environmental Plan 2012. Any advertising matter relating to the previous use of the premises shall be removed.

(45) Avoid Annoyance from lighting

Any lighting of the premises shall be installed in accordance with Australian Standard AS 4282 – 1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if Council considers there to be adverse affects on the amenity of the area.

(46) Oil/Silt Separator

An oil/silt separator sized to the catchment area must be specified on the Stormwater Detailed Plans and located downstream of the proposed basement car park and prior to discharge to councils stormwater system.

(47) Air Conditioning / Offensive Noise

Air conditioning plant and equipment shall be installed and operated so as to not create an offensive noise as defined under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008.

(48) Building Finishes

The building finishes are to be constructed in accordance with the colour board and perspective submitted with the Development Application.

(49) Allocation of Car Parking Spaces

A minimum of 9 off street car parking spaces shall be constructed, drained, marked and maintained at all times in accordance with the approved plans and used in accordance with the approved Operational Plan of Management.

The stacker parking spaces 8 and 9 shall be for staff only.

(50) Tree Protection - Excavation

Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.

Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

Tree Protection Zone (TPZ) around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

(51) Tree Removal

The trees identified in the table below may be removed:

Tree Species	Location on Site/Tree No	Work Required
Plumeria acutifolia	96 Park Road / Tree 1	

All tree removals are to be carried out by a certified Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees) and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).

No trees are to be removed on the site or neighbouring properties without the prior written approval of Council.

(52) Tree Replacement

Two (2) indigenous canopy trees are to be planted within the subject site and not within 3 metres of any existing or proposed structures. The replacement trees should have a minimum pot size of 75 litres.

All replacement trees are to be planted, protected and maintained prior to the issue of the final occupation certificate.

(53) Deliveries and Service Vehicles

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 7am on any day.

(54) No Trees to be Removed Pruned or Damaged

No trees are to be removed, pruned or damaged on site or neighbouring properties unless there is written approval from Council in accordance with Clause. 5.9 of KLEP 2012.

SECTION E – Prior to Occupation or Subdivision Certificate Conditions

The conditions that follow in this Section E of the Notice of Determination relate to conditions that ensure that the development is completed in accordance with the requirements of the Development Consent prior to the issue of either an Occupation Certificate or a Subdivision Certificate.

(55) Completion of Landscaping

Certification shall be provided from a suitably qualified and experienced Landscape Designer or Landscape Architect. This Certification shall verify that the landscape works have been completed in accordance with the approved detailed landscape plan and relevant conditions of this consent.

Note: A Landscape Designer is a person eligible for membership of the Australian Institute of Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

(56) Section 73 Compliance 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 Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application 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, since building of water / sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority.

(57) Stormwater Compliance Certificate

A Stormwater Compliance Certificate is to be obtained for the constructed on-site stormwater management systems in conjunction with the works-as-executed drawings and the final inspection. This Certificate is to be signed by an accredited hydraulic engineer (preferably be the original design consultant) and submitted to the Principal Certifying Authority. Copy of the standard Stormwater Compliance Certificate is shown in Council’s Water Management Policy.

If the proposed works involve Council owned stormwater infrastructure (or infrastructure to be owned by Council), then the applicant should organise inspection with Council and pay Council the appropriate inspection fee. Inspection is to be carried out at the following specified stages:

- Prior to backfilling of pipelines trenches.
- Prior to backfilling of drainage connection to pipeline or channels.
- Prior to casting pits and other concrete structures including kerb and gutter, aprons, pathways, vehicular crossings, dish crossings and pathway steps.

(58) Positive Covenant

A Restriction on Use of the land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owner of the land. The terms of the instrument are to be generally in accordance with the Council's standard terms and conditions for Restriction on Use of the land and Positive Covenant shown in Council's Water Management Policy.

(59) Maintenance Schedule

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

(60) Acoustic Validation

A report prepared by accredited Acoustic Consultant shall be submitted to the Principle Certifying Authority (PCA) certifying that the development complies with the acoustic conditions of the development consent and recommendations of the acoustic report ref No. 610.15817-R2 prepared by SLR Global Environmental Solutions, titled "*Proposed Child Care Centre 96 Park Road, Kogarah Bay*" dated 26 April 2016. The acoustic report shall include post construction validation test results.

(61) Food Business Registration

Prior to the issue of the Interim/Final Occupation Certificate the proprietor of a food business must notify Georges River Council. A notification form is available on Council's website or by contacting Council on (02) 9300 6400.

SECTION F – Prescribed Conditions

The following are prescribed conditions of development consent pursuant to s.80A(11) of the Environmental Planning and Assessment Act 1979 and cl.98 of the Environmental Planning and Assessment Regulation 2000.

(62) Compliance with the Building Code of Australia

The development must be carried out in accordance with the provisions of the Building Code of Australia.

(63) Erection of Signs

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(64) Notification Requirements (Other)

In relation to non-residential work, prior to the commencement of construction the Principal Certifying Authority must be informed in writing of:-

- (i) the name and contractor licence number of the licensee who has contracted to do or intends to do the work;
- (ii) the name and permit number of the owner-builder who intends to do the work, with a copy of the permit submitted; and
- (iii) the date of their intention to commence the erection of the building.

Further, if a contract is entered into for the work to be done by a different licensee or arrangement for doing the work are otherwise changed, the Principal Certifying Authority is to be immediately informed in writing of sufficient particulars for it to update its records.

(65) Shoring and Adequacy of Adjoining Property

If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

The above condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

(66) Council Notification of Construction

The erection of a building which is the subject of a Development Consent must not be commenced until:

- a) Detailed plans and specifications of the building have been endorsed with a construction certificate by Council or an accredited certifier.
- b) the person having the benefit of the development consent has:
 - appointed a Principal Certifying Authority (PCA), and
 - notified Council (if Council is not the PCA) *in writing* of the appointment, and
 - given at least 2 days notice to Council of their intention to commence the erection of the building. The notice may be in writing or by phone.

SECTION G – Demolition Conditions

The following conditions are imposed to ensure the demolition associated with the proposed development is carried out having regard to relevant legislation and does not unreasonably impact on the amenity of the locality or environment.

(67) Demolition Conditions-Asbestos

- (a) Demolition of buildings where asbestos is determined to be present should only occur 7am – 5pm Monday to Saturdays, and must not occur on Sundays or Public Holidays, to ensure that the persons carrying out the work have access to WorkCover professionals if required.
- (b) All asbestos removal shall be undertaken in accordance with the requirements of WorkCover's 'How to Safely Remove Asbestos' Code of Practice and Council's Asbestos Policy.
- (c) Written notice must be provided to Georges River Council five (5) working days (excluding public holidays) prior to commencement of any works.

Written notice is to include the following details:

- Date the demolition will commence
- Name, address, contact details (including after hours) and licence number of the demolisher and asbestos removalist (if different)

Work must not commence prior to the nominated demolition date.

Note: it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.

- (d) The owner is to notify all owners and occupiers of premises on either side, opposite and at the rear of the development site five (5) working days prior to demolition. Such notification is to be clearly written on A4 size paper stating the date the demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date and time stated in the notification.
- (e) A demolition or asbestos removal contractor licensed under the *Work Health and Safety Regulations 2011* must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.

- (f) Demolition sites that involve the removal of asbestos must display 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 on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.
- (g) All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.
- (h) A Clearance Certificate or Statement, prepared by a suitably qualified occupational hygienist must be provided to Council upon completion of demolition and asbestos related works, which confirms that the relevant legislative requirements in relation to safe removal and disposal have been satisfied.
- (i) A Work Cover Licensed Demolisher is to be engaged to carry out any demolition works using mechanical equipment where the structure is over 4 metres in height or to carry out any manual demolition works on a structure over 10 metres in height.
- (j) The provision of temporary fences and footpath crossing pads prior to commencement of demolition operations. Further, no waste materials or bins are to be placed on Council's roadways or footpaths.
- (k) No waste materials are to be burnt on site.

- (l) No trees as defined by Council's Tree Preservation Order being removed or damaged on the site without the prior written approval of Council.
- (m) Compliance with the provisions of Australian Standard AS 2601-1991:"The Demolition of Structures", which requires notification of demolition to be submitted at least seven (7) days prior to demolition to the NSW Workcover Authority.
- (n) Effective erosion and sediment control measures are to be undertaken during the course of demolition and building works in accordance with Council's 'Environmental Site Management Policy'. Failure to implement appropriate measures may result in a \$750 Penalty Infringement Notice (individual) and/or \$1,500 (corporation) being issued and/or the incurring of a maximum penalty of \$250,000 (corporation) or \$120,000 (individual) through the Land and Environment Court.
- (o) Appropriate measures are to be implemented on site to control dust and other air borne matter and demolition material is to be stored and stacked in a manner so as to minimise the risk of damage or nuisance to neighbouring properties.
- (p) Council being notified upon completion of the demolition works so that an inspection can be made of the roadway and footpath.
- (q) All non-recyclable demolition material being disposed of at an approved waste disposal depot. Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept as evidence of approved method of disposal.
- (r) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed

END CONDITIONS

Advisory Notes

(i) Worksite Safety

It is usually the owner/applicant's responsibility to ensure that the development site is a safe working environment. This may be by the engagement of an appropriately competent principal contractor. There are various legislative and WorkCover requirements with respect to maintaining a safe work-site. Details of these requirements and legislation, as well as, guidance and advisory material, can be found on the WorkCover Website www.workcover.nsw.gov.au.

(ii) Worksite Safety Scaffolding

Council is committed to worksite safety and requiring that all scaffolding is installed by competent and qualified professionals with the relative appropriate standards. The applicable Australian Standards for the scaffolding is AS/NZS1576 in respect of the design of the scaffolding and AS/NZS4576 with respect to the erection of the scaffolding. Also, you should ensure that those erecting scaffolding are appropriately qualified and have the appropriate qualifications to erect scaffolding. For further information regarding this please see www.workcover.nsw.gov.au.

(iii) Kid Safe NSW

Kidsafe NSW has produced Safer Homes for Children Design and Construction Guidelines for builders, renovators and home owners. The guidelines identify common hazards for children and recommended practical design applications to improve child safety for all areas of the home. Free copies of the Guidelines are available from Council's Customer Service Centre, or contact Kidsafe on (02) 9845 0890 or their website <http://www.kidsafensw.org/homesafety/index.htm> for more information.

(iv) Dial Before You Dig

Underground pipes and cables may exist in the area. In your own interest and for safety, telephone 1100 before excavation or erection of structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website www.dialbeforeyoudig.com.au.

(v) Disability Discrimination Act

This authorisation does not imply that the proposal complies with *Disability Discrimination Act 1992*. The Proponent is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 – Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under *The Disability Discrimination Act 1992*.

(vi) Demolition Waste

Sorting your construction and demolition waste will save you money. For pricing and disposal options for sorted loads of tiles, bricks, timber concrete or asphalt call Waste Service NSW on 1300 651 116.

(vii) Property Address

Property addresses shall be allocated by Council in accordance with the Addressing Standard AS/NZS 4819:2011.

(viii) Location of On-site Detention

The On-site Detention tank has been designed to be underneath a children's area. The applicant will need to liaise with the Early Childhood Education & Care Directorate of the NSW Department of Education with regard to if the tank would be considered a hazard within the designated play area and any requirements they have in regard to this.