

**REPORT TO GEORGES RIVER COUNCIL
IHAP MEETING OF 28 JULY 2016**

IHAP Report No	Item 1	Development Application No	DA2015/0034
Site Address & Ward Locality	30 Queensbury Road Penshurst Mortdale Ward		
Proposal	Demolition of existing and construction of child care centre accommodating twenty three (23) children		
Report Author/s	Development Assessment Officer, Mr M Raymundo		
Zoning:	Zone R2 - Low Density Residential		
Date of Lodgement	12 February 2015		
Owner	Mr Xiao Zhao		
Applicant	Tecton Group		
Submissions	Sixteen (16) submissions including petition with forty-five (45) signatures received and variations to DCPI		
Cost of Works	\$500,000.00		
Reason for Referral to IHAP	Sixteen (16) submissions including petition with forty five (45) signatures 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. The proposal seeks demolition of existing and construction of child care centre accommodating twenty three (23) children on land known as 30 Queensbury Road, Penshurst.
2. The proposed child care centre forms a permissible use within the R2 Low Density Residential Zone and complies with the Development Standards within the Hurstville Local Environmental Plan 2012.
3. The amended proposal has been assessed in accordance with the relevant planning controls to the Hurstville Development Control Plan No 1 and seeks minor variations of which are supported on planning merit.
4. The application was notified/advertised to twenty one (21) adjoining owners/occupiers. The amended plans were not renotified as this did not generate a greater impact than the original proposal. In response, sixteen (16) submissions including petition with forty five (45) signatures were received.

AUTHOR RECOMMENDATION

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

REPORT DETAIL

DESCRIPTION OF THE PROPOSAL

1. The proposal seeks demolition of existing and construction of child care centre on land known as 30 Queensbury Road, Penshurst. Details of the proposed child care centre are as follows:-

Built form:	Single storey child care centre with indoor play area, staff room, bathroom, office admin, entry, kitchen and bottle prep, storage, cot room, laundry, nappy change, outdoor play area and external storage room; 1.2m high front fence, 2m high feature wall with signage and 1.8m rear boundary fence with mirrors and windows, 1.4m high garden wall along southern side boundary;
Car parking:	Four (4) car spaces, with one (1) driveway entrance and one (1) driveway exit;
Number of children:	Twenty three (23) children comprising eight (8) children 0-2 years old, five (5) children 2-3 years old, ten (10) children 3-5 years old;
Hours of operation:	7.30am to 6.00pm Monday to Friday, closed on Saturday and Sunday;
Number of staff:	Four (4) staff.

Amended Plans/Additional information

2. Amended plans sought various internal room configurations, reconfiguration in car parking, plan of management, minor outdoor amendments.

HISTORY

3.

16 Feb 15	Application lodged
27 Feb – 13 Mar 15	Notification period
13 Mar – 27 Mar 15	Re-notification period
10 Jul 15	Stop the clock letter for additional information
13 Aug 15	Amended information received
16 May 16	Stop the clock letter
19 May 16	Additional information received
29 Jun 16	Stop the clock letter – additional information
11 Jul 16	Additional information received

DESCRIPTION OF THE SITE AND LOCALITY

4. The subject site is legally described as Lot A in DP 28714 and is known as 30 Queensbury Road Penshurst. The site contains a splayed western frontage of 20.15m to Queensbury Road, 33.81m along the southern side boundary, 15.24m along the rear eastern boundary, 46.85m along the northern side boundary and comprises of 614.7sqm. The site slopes from rear to front with a maximum fall of 2.34m. A dwelling house is centrally located on site and outbuildings are located within the rear setback. A masonry fence is located along the front boundary. Fourteen (14) trees are located within the front and rear setbacks.

Surrounding area

5. The surrounding is of a residential nature comprising single and two (2) storey dwellings and multiple dwellings of varying architectural styles and designs. A private tennis court adjoins the site to east (rear). The surrounding area is zoned R2 Low Density Residential. One (1) tree is located within the Council reserve in front of the site.

COMPLIANCE AND ASSESSMENT

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

Environmental Planning Instruments

HURSTVILLE LOCAL ENVIRONMENTAL PLAN 2012

Clause	Standard	Proposal	Complies
1.2 – Aims of the Plan	In accordance with Clause 1.2 (2)	Consistent with the aims of the plan	Yes
1.4 - Definitions	"Child Care Centre"	The proposed development is defined use as a child care centre	Yes
2.3 - Zone objectives and Land Use Table	Meets objectives of R2 Zone Development must be permissible with consent	Proposal adequately meets the zone objectives and is a permissible development use with consent	Yes
2.7 - Demolition	Demolition is permissible with consent	Demolition supported for demolition of existing and ancillary structures, standard conditions of consent applied	Yes

4.3 – Height of Buildings	9m as identified on Height of Buildings Map	5.81m (max) ridge (RL52.06)	Yes
4.4 – Floor Space Ratio	Site = 614.7sqm 0.6:1 as identified on Floor Space Ratio Map	Proposed GFA = 174.1sqm FSR = 0.28:1	Yes
4.5 – Calculation of floor space ratio and site area	FSR and site area calculated in accordance with Cl.4.5	Floor space calculated in accordance with Cl. 4.5	Yes
5.9 – Preservation of Trees or Vegetation	Trees to be removed are specified in DCP1	The proposal seeks the removal of ten (10) trees onsite and one (1) tree on the Council reserve. The proposal also seeks to retain three (3) trees within the rear setback which assists in providing some partial shading and cover. This is supported by Council's Tree Management Officer subject to six (6) tree replacement trees.	Yes
6.7 – Essential Services	The following services that are essential for the development shall be available or that adequate arrangements must be made available when required: Supply of water, electricity and disposal and management of sewerage Stormwater drainage or on-site conservation Suitable vehicular access	Adequate facilities for the supply of water and for the removal of sewage and drainage are available to this land The proposed development can drain to the street. Council's Development Engineer has raised no objection, subject to conditions of consent Suitable vehicular access to Queensbury Road at front of site. Two separate driveways are proposed to assist access to and from the site	Yes Yes Yes

Draft Environmental Planning Instruments

7. The Draft Development Control Plan was exhibited during the time of assessment however bears no material planning consideration to the assessment of this application.

Any other matters prescribed by the Regulations

8. 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 building affected by the proposal.

Development Control Plans

9. The provisions of Development Control Plan No 1 apply to the proposed development with the relevant sections as follows.

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

Section 3.1	Requirements	Proposed	Complies
3.1.2.1 (table) – Child care centres	1 space per 2 child care staff = 2 car space	2 spaces	Yes
	Short term drop off and pick up spaces at 1 space per 15 children (23 children total) = (1.53 spaces rounded up to 2 car spaces)	2 spaces	Yes
	Total required = 4 car spaces	4 spaces	Yes

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

10. The proposed development complies with the provisions of Section 3.3 as follows;

Section 3.3	Requirements	Proposed	Complies
Access requirements	Access for all persons through the principal entrance and access to appropriate sanitary facilities in accordance with the BCA and relevant Australian Standards	Access provided to all areas of the child care centre and sanitary facilities provided in accordance with BCA and Australian Standards	Yes
Accessible car spaces	1 space per 20 spaces or part thereof, where parking areas have more than 20 spaces but less than 50 spaces (1 spaces) = 1 accessible car space required	1 accessible space to provided on site with shared zone	Yes

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

11. The extent to which the proposal complies with the requirements of Section 3.4 of Development Control Plan No 1 is outlined in the table below;

Section 3.4	Requirements	Proposed	Complies
Fencing	Allows natural surveillance to street	1.2m high 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 in proposal	Yes
Communal Areas	Provide opportunities for natural surveillance	Windows of front foyer and staff lounge provide natural surveillance to Queensbury Road	Yes
Entrances	Clearly visible and not confusing	The entry to the child care centre is clearly defined and is centrally located within building façade and site	Yes
Site and Building Layout	<ul style="list-style-type: none"> - Provide surveillance opportunities - Building addresses street - Offset windows 	Surveillance opportunities provided, building addresses street and windows are appropriately offset	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 	Lighting as part of CC	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 	Landscape plan shows deep soil planting to boundaries of site to provide screen planting. Planting to external play areas consistent with requirements for child care centres.	Yes
Building Identification	<ul style="list-style-type: none"> - Clearly numbered buildings - Entrances numbered - Unit numbers provided at entry 	Building centrally numbered on fence and entrances clearly identified	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

12. The requirements of this subsection have been adequately satisfied.

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.7 DRAINAGE AND ON-SITE DETENTION (OSD) REQUIREMENTS

13. The proposed development can drain to the street and is consistent with the requirements of Section 3.7. Council’s Development Engineer has raised no objection to the application in relation to drainage, subject to conditions of consent being attached to any consent granted.

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

14. The proposed development includes a 1.2m high fence along Queensbury Road which is considered to be commensurate height of other front fences within the locality. The fence design provides for adequate sight lines to and from the site for pedestrian and vehicular access. The design and detail of the front fence is considered to complement the design of the child care centre building and would complement the surrounding area.

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

15. The proposed development was assessed against the waste management requirements of Development Control Plan No 1 and complies. The Waste Management Plan submitted with the application is consistent with the objectives and requirements of Section 3.9.

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

16. Previously addressed within report.

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

17. The proposed development complies with the requirements of Section 5.4 as follows;

Locational Criteria	Requirements	Proposal	Complies
5.4.5.1 (Table) – General Preferences	Close to community focal points	Within the vicinity of Olds Park further to the west and Penshurst Commercial strip further to the south	Yes
	Site to be greater than 500sqm in area	614.7sqm	Yes
	Min. frontage of 18m where a separate entry and exit is provided	20.15m	Yes
5.4.5.1 (Table) – Proximity to Undesirable or Hazardous Features	Site must be at least 300m away from telecommunications towers, large over-head power wires, any other inappropriate area.	More than 300m away from items identified in clause	Yes

	Approval will not be given to sites which are less than 55m from an LPG above ground gas tank or tanker unloading position	Not within 55m of subject site	Yes
	Analysis of existing and/or potential site contamination	None evident, given historical residential use	Yes
	Approval will not be given to sites located within cul-de-sacs or closed roads	Queensbury Road forms a through street	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	Not bushfire, flood prone or adjacent to any inappropriate land uses	Yes
	Proposals must be accompanied by a Traffic Impact Statement provided by a qualified consultant	Traffic Study provided and is supported by Council's Senior Traffic Engineer	Yes
5.4.6 – Cumulative Impacts from Centres within Residential Areas	Child Care Centre not to be located on land adjoining any other Child Care Centre	Not near or adjacent to another Child Care Centre	Yes
	Only 1 Child Care Centre to be located on each street block	This would form the first child care centre in street block	Yes

Child Care Centre	Requirements	Proposal	Complies
5.4.1 (a) - Minimum Site Area	500sqm	614.7sqm	Yes
5.4.1 (b)(i) - Minimum Street Frontage	18m where a separate entry and exit is required	20.15m (separate entry and exit driveways)	Yes
5.4.1 (c) - Location on State Road	Not permitted	Not located on State road. Queensbury Road forms a local road.	Yes
5.4.8 - Maximum number of children	40 within the R2 - Low Density Residential. Council will consider variation to the controls where the site is located adjacent to a retail/commercial area or other non-residential zone	23 children proposed comprising of; 0-2 years 8 children, 2-3 years 5 children, 4-5 years 10 children	Yes
5.4.8 - Age groupings	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 required	Proposed = 8 8/23 = 34.78% (rounded up to 35% spaces given that 23 spaces are sought)	Yes

5.4.9.1 - Height	1 storey for R2 zone	1 storey built form proposed	Yes
5.4.9.6 - Colour scheme	No bright colours on building finishes	Subdued colour palette for external finishes	Yes
5.4.9.2 - Front setback	5.5m	9.3m	Yes
Side setback	Ground floor: 0.9m	0.9m Small detached storage shed located along southern side boundary – no impact	Yes
Rear setback	3m for R2 zone	6.7m	Yes
5.4.9.3 - Relationships to adjoining properties	Play areas – indoor and outdoor	Located within rear setback and located behind the building line	Yes
	Windows and doors (particularly those associated with indoor play areas)	Appropriately screened	Yes
	Verandahs	As above	Yes
	Point of entry	Centrally located on front facade	Yes
	Pick-up and drop-off points	Provided within front setback	Yes
	Any plant equipment which may be required within the context of the centre	Located along southern side elevation	Yes
	Openings such as windows and doors should not correspond with existing opening on adjoining properties	Appropriately treated and offset to adjoining properties. No unreasonable impact generated by window and door placement.	Yes
5.4.9.4 - Solar design	Minimum 3 hours sunlight between 9am-3pm for adjoining private open space, habitable rooms and solar collectors	Compliant levels of solar access achieved in accordance with clause. Single storey built form proposed.	Yes

5.4.10.1 (a) - Staff parking	1 space per 2 staff = 2 spaces (on-site staff parking spaces are to be clearly marked and sign posted)	2 spaces	Yes
Parent parking	1 space per 15 children as separate entry and exit provided = 2 spaces	2 spaces	Yes
	Total = 4 required	4 spaces	Yes
5.4.10.1 - Bike racks	Provision to be made bike racks	Provision of bike racks located within front setback	Yes
5.4.10.1 – Access and Parking	A “Neighbourhood Parking Policy” and a “Motor Vehicle and Pedestrian Risk Assessment Report” must be submitted for Council’s consideration Physical demarcation is required to be provided between pedestrians and vehicular access ways to ensure pedestrian safety	The submitted traffic report was referred and reviewed by Council’s Senior Traffic Engineer, who raised no objection to the proposal	Yes
5.4.10.2 – Traffic Consideration	Impacts on traffic and safety Consideration on traffic impacts during peak hours 7.30 - 9am and 3.30 - 6pm	Traffic report submitted and is supported	Yes
5.4.10.3 (a) - Landscape strip	1m wide along front setback	Majority 1m (min) wide along Queensbury Rd front setback	Yes
5.4.10.3 (c) - Disabled Access	Maximum Grade 1:14	Compliant gradient provided	Yes
5.4.11.1 – Landscaping	Screen planting is to be provided along the side boundaries	Deep soil planting provided within front and rear setbacks	Yes
5.4.11.3 – Drainage	Play areas must be capable of rapid clearance of surface water	Drainage appropriately provided. Site slopes and drains to street.	Yes
5.4.12.1 - Indoor space	Area for administration, private consulting room and respite of staff	Office, reception/entry foyer and staff lounge provided	Yes
	3.5sqm unencumbered space per child. (It is noted that the industry standard is 3.25sqm per child) 23 children proposed = 80.5sqm	Proposed Total: 83sqm	Yes

	Playroom 0-2 years: 26sqm	Playroom 0-2 years: 28sqm	Yes
	Playroom 2-3 years, 4-5 years: 52.5sqm	Playroom 2-3 years, 4-5 years: 61sqm	Yes
5.4.12.2 (a) - Outdoor play space	7sqm per child required (23 children proposed) = 161sqm	Proposed: 161sqm	Yes
	A lawn space at least 15m long should be incorporated	External play areas are appropriately landscaped.	Yes
	Outdoor play areas must be readily supervisable and designed to allow for a wide range of effective outdoor play activities	Can be readily supervisable	Yes
	Open area = 1/3 to 1/2 of the total playground area	In accordance with clause	Yes
	Quiet area = 1/4 to 1/3 of the total playground area	As above	Yes
	Active area = 1/3 of the total playground area	As above	Yes
5.4.12.2 (i) - Shading	2.5sqm per child (57.5sqm) of outdoor play space to be naturally or artificially shaded between 10am – 3pm	(57.5sqm) Achieved through appropriate shading provided through mixture of natural and artificially shaded areas	Yes
5.4.12.2 (j) – Sandpits	Sandpits should be: <ul style="list-style-type: none"> - min. depth of 600mm - adequately drained - totally shaded - appropriately covered - so that sand can be swept back into the pit - designed to remove all trip hazards 	Sand areas provided to external play areas which are subject to the relevant requirements	Yes
5.4.12.5 – Entry and Security	Legible entry points/office to be located within the view of the main entry	Office located adjoining entry/foyer area	Yes
	Playgrounds must be fenced/gated or opening device within a playground fence is to be fitted with a childproof latch or self-locking device	Appropriate fencing is proposed	Yes

5.4.13.1 (a) - Children's toilets and hand basins	1 per 8 children + 1 junior toilet or adult toilet with step	2 toilets provided (2-5 year old group to accommodate 16 children. Nappy change room provided for 0-2 age group accommodating 8 children	Yes
5.4.13.1 (a) - Staff toilets	1 per 6 staff = 1	1 staff toilet provided to service 4 staff	Yes
5.4.13.1 (a) - Disabled toilet	1 to be provided	1 provided near entry with accessible dimensions	Yes
5.4.13.1 (e) - Bathroom size	Min. 12sqm with 2.5sqm for each additional toilet required above 3 toilets	12sqm provided for 0-2 year old toilet	Yes
5.4.13.2 (a)-(c) - Staffroom	12sqm minimum + 2sqm per staff over 6 staff = 12sqm Outdoor staff facilities should be provided	12sqm Tables and chair seating provided along southern side boundary	Yes Yes
5.4.13.2 (d)-(e) - Office	Required to be provided and capable of accommodating desks, cot and misc.	10sqm provided	Yes
5.4.13.3 - Cot Rooms	1 cot for every 2 children under 2 years = 4 required Maximum 5 cots per room	4 cots in one room. These requirements are subject to relevant legislation	Yes
5.4.13.4 - Nappy Change Area	Separate change room	Separate change room provided	Yes
5.4.13.5 - Storage	8sqm for 1 playroom, and up to 16sqm where storage is shared between playrooms	0-2 year old store room: 8.1sqm (internal) 2-3/3-5 year old playroom: 3.9sqm (internal plus 2.3sqm external storage in outdoor shed)	Yes No (1)
5.4.13.6 - Laundry	10sqm	6sqm	No (2)
5.4.13.7 - Garbage	Minimum 3m x 1m	Space provided along southern side boundary behind building line	Yes
5.4.13.8 - Craft	1 sink separate from food preparation area	Separate sink provided within kitchen	Yes

5.4.13.9 - Food preparation facilities	Separate designated area from nappy change facilities	Separate designated nappy change facilities located between 0-2 playroom and cot room	Yes
5.4.14.1 – Visual Privacy	Provide screenings by trees, fencing and window coverings to minimise noise and overlooking impacts Locate any playground equipment at least 3m from any boundary with a residential property	Appropriate screen planting provided to perimeter of site, play areas located away from adjoining developments. No material visual privacy impact.	Yes
5.4.14.2 – Acoustic Amenity	Acoustic assessment report by a suitably qualified acoustic consultant must be submitted	Acoustic report submitted and acoustic fencing along the side and rear boundaries of play areas	Yes
5.4.14.3 - Fencing	At least 1200mm high	Proposed fencing is appropriate	Yes
5.4.13.13 – Hours of operation	New Child Care Centres with >18m frontage and separate vehicular access points: 7.00am – 6.30pm	Hours of operation proposed: 7.30am – 6.00pm Monday to Friday	Yes

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

(1) Storage

18. Council's controls prescribe that 8sqm is to be provided per playroom and 16sqm for each shared playroom. The proposal seeks to provide 8sqm of storage space for the 0-2 playroom. The proposal seeks to provide 3.9sqm of storage space and 2.3sqm external storage space totalling 6.2sqm for the 2-5 year old playroom.

The applicant has provided the following justification:

“The storage area provided near 0-2 years playroom is 8.1sqm. (5.2sqm below and above the children's stage area, 1.9sqm below and above the craft sink area, and 1sqm above the bottle preparation area).

The other play area offers 3.9sqm internally, excluding the storage in the laundry. (2.5sqm below and above the children's seating, 0.8sqm for lockers/ children's storage, 0.6sqm below the sign in bench). The external storage is 2.3sqm.

Hence a total of 6.2sqm will be provided, which would be appropriate for the 15 children in that play zone.

The total internal storage area will be 8.1sqm + 3.9sqm = 12sqm. This is 13% of the play areas proposed, which is appropriate for 23 children. The additional external storage area of 2.3sqm is adequate and practical.”

The above justification is considered to be reasonable in addition to the following reasons:

- The storage provided is considered to be sufficient for the purposes of accommodating twenty three (23) children. It is noted that for a child care centre of forty (40) children the same storage requirements would apply.
- The proposed playroom areas are well in exceedance of the minimum unencumbered floor area to service indoor playroom area for 2-3 and 4-5 year olds. There is scope for additional storage to be provided within the rooms if necessary.

In this regard for the reasons above, the prescribed variation is supported on planning merit.

(2) Laundry

19. Council’s controls prescribe a minimum of 10sqm for a laundry to be provided. The proposal seeks to provide 6sqm. The applicant has provided the following justification:

“The proposed laundry is calculated to be 6.5sqm. (It is noted that Council’s assessment measures 6sqm.)

Despite the area being short 3.5sqm from the 10sqm required in Hurstville City Council DCP No1, the space is sufficient for the early childhood centre proposed. Being a small child care centre, accommodating only 23 children, with 13 children under the age of 3 years, the laundry space will comply with NCC 2016 Building Code of Australia - Volume One.

The area is adequate to provide the washtub, with a washing machine, as stated in:

F2.3 Facilities in Class 3 to 9 buildings

(h) A Class 9b early childhood centre must be provided with—

(iii) if the centre accommodates children younger than 3 years old—

(A) a laundry facility comprising a washtub and space in the same room for a washing machine.

There is additional bench space, and cupboard space for more storage.

The laundry space is ample and proportional to the number of children in the centre, specifically under the age of 3.”

The above justification is considered to be reasonable in addition to the following reasons:

- The proposal comprises of a relatively small number of children being twenty three (23) within the child care centre. It is noted that Council’s controls permit up to forty (40) child care spaces within residential zones.
- The room forms adequate internal dimensions and provides sufficient internal floor area to serve the intended purpose.

In this regard, for the reasons above the prescribed variation is supported on planning merit.

4. Impacts

Natural Environment

20. The proposal seeks the removal of trees to accommodate the development. This is supported subject to six (6) replacement of trees to replenish the tree canopy. The proposal seeks to drain to the street which satisfies Council's drainage controls. The proposed development is unlikely to result in any material impacts to the natural environment.

Built Environment

21. The proposal is not considered to result in any unreasonable impacts and the use and built form is commensurate of other child care centres within the locality. In this regard, the proposed development is unlikely to have an adverse impact on the built environment.

Social Impact

22. It is considered that the proposed child care centre will provide a service that is in demand in the locality 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

23. 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

24. The proposed development is considered suitable for the subject site for the reasons contained within the report.

5. REFERRALS, SUBMISSIONS AND THE PUBLIC INTEREST

Resident

25. The application was notified/advertised to twenty one (21) residents/owners and sixteen (16) objections including forty five (45) signatures were received. The issues raised in the submissions are summarised and discussed as follows;

Car parking and traffic impacts generated from proposed use

26. Comment: Concerns were raised in relation to car parking impacts generated by the proposed development. As previously discussed within this report, the proposal provides the compliant number of car spaces for the proposed use of which four (4) spaces are provided on site – this also includes one (1) accessible space. The proposal provides a separate entrance and exit driveway to assist in the flow of traffic for the use. No concerns were raised by Council's Senior Traffic Engineer regarding car parking and traffic impacts.

Impact on street parking and vehicular and pedestrian safety impacts

27. Comment: No concerns in relation to on street parking, vehicular and pedestrian safety impacts were raised by Council's Senior Traffic Engineer. In addition, the front wall is reduced in height to 1.2m maximum which results in improved sight lines to and from the site improving overall general safety. It is also noted that a separate pedestrian entry is proposed along the southern side boundary which assists in providing adequate pedestrian safety to and from the site.

Use does not conform to residential area

28. Comment: The proposal seeks development consent for a child care centre. This forms a permissible use within the R2 Low Density Residential Zone under the Hurstville Local Environmental Plan 2012. The use is considered not to offend the zone objectives or undermine the intent of the zone.

As detailed within the report, the proposal results in a reasonable built form and the use is commensurate to other approved child care centres within the locality. The surrounding area comprises of dwelling houses and multiple dwellings, the proposed built form adopts a single storey building typology which is considered to be sympathetic to the surrounding area.

Impact of noise relating to use

29. Comment: Concerns were raised in relation to noise generation given the proposed use. The proposal seeks reasonable hours operation between 7.30am – 6.00pm Monday to Friday which is considered to be reasonable and comparable to other approved child care centre operating times within the locality. The proposal has provided an acoustic report in which recommendations contained within are conditioned to form part of the approval to minimise noise impacts to adjoining properties. In addition, a condition of consent (Condition No.62) is imposed in relation to noise minimisation whereby the use of outdoor play areas is limited to the hours between 9.00am – 6.00pm only which is in accordance with the amended plan of management. In this regard, no unreasonable noise impacts arise given the nature of the proposed use.

Devaluation of property

30. Comment: Concerns were raised regarding devaluation of property. No material evidence has been provided to justify this claim. The proposed use forms a permissible development within the R2 Low Density Residential Zone within the Hurstville Local Environmental Plan 2012.

Notification

31. Comment: The proposal was notified in accordance with Council's requirements. The application was also renotified to extend the notification period. The amended proposal did not generate a greater environmental impact than the original development and therefore did not require renotification. In total, sixteen (16) submissions including a petition with forty-five (45) signatures were received.

Council Referrals

Tree Management Officer

32. Council's Tree Management Officer supports the proposal subject to conditions of consent which include suitable tree replacement of six (6) trees.

Environmental Health Officer

33. The proposal is supported subject to conditions of consent.

Development Engineer

34. Council’s Development Engineer has raised no objection to the development subject to conditions of consent being attached to any consent granted.

Senior Traffic Engineer

35. Council’s Senior Traffic Engineer has examined the application and the Assessment of Traffic and Parking Implications report submitted with the application and raised no objection to the proposed development.

6. CONCLUSION

36. The application is considered to be reasonable for the reasons contained within this report. The proposal forms a permissible use and provides acceptable levels of amenity in relation to the proposed use. No material or unreasonable impacts arise for the proposed child care centre to that of other approved child care centres within the locality and beyond.

DETERMINATION

37. THAT pursuant to Section 80(2) of the Environmental Planning and Assessment Act, 1979, as amended, the Council, grants development consent to Development Application DA2015/0034 for demolition of existing and construction of child care centre on Lot A in DP 28714 known as 30 Queensbury Road, Penshurst subject to the following:

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
A.1.1, A1.2, A.1.4 A.2.2 - A.2.5, A.3.1	11 July 2016	Architecturals	E	Tecton Group
14-2932L01	6.7.16	Landscape Plan	C	Zenith Landscape Designs
M.1.1	11 July 2016	External Materials	B	Tecton Group
WM1	4 Feb 2015	Waste Management Plan	B	Tecton Group
	Dec 2014	Traffic Impact Assessment		Apex Engineers

Reference No.	Date	Description	Revision	Prepared by
150321R0	3 September 2015	Acoustic Report	0	Rodney Stevens Acoustics
A.3.6	12 August 2015	External Materials, Colours and Finishes	C	Tecton Group
	6 July (Received 11 July 2016)	Plan of Management		Tecton Group

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	\$1,550.00
Construction Certificate Application Fee	\$1,550.00
Construction Certificate Imaging Fee	\$143.00

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.
5. GEN1017 - **General Condition - Child Care Centre Use** - The proposal must adequately satisfy all legislative and industry requirements relating to the child care use.

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.

6. 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.

7. **APR6003 - Engineering - Vehicular Crossing - Major Development** - The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:

- (a) Construct a 1.50m wide x 80mm thick concrete path for the full length of the frontage of the site in Queensbury Road in accordance with Council’s Specifications for footpaths.
- (b) Construct a 150mm thick concrete vehicular crossing reinforced with F72 fabric in accordance with Council’s Specifications for vehicular crossings.
- (c) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the beneficiary of this consent and in accordance with Council’s *Specification for Vehicular Crossings and Associated Works*. The work shall be carried out by a private contractor, subject to Council approval.

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

To apply for approval:

- (a) Complete the *Driveway Crossing on Council Road Reserve Application Form* which can be downloaded from Hurstville Council’s Website at: www.hurstville.nsw.gov.au
- (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.

8. **APR6004 - Engineering - Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the Roads and Maritime Services, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications **before the commencement of work in the road**.

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.

9. **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.

10. **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.
11. **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.

12. **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.

13. **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.

14. **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.

15. **CC4024 - Health - Health - Acoustic Certification** - All recommendations outlined in the Acoustic Report - Report 150321R dated 3 September 2015, prepared by Rodney Stevens Acoustics from Acoustic Consultants are to be complied with. Details are to be submitted with the Construction Certificate to the Principle Certifying Authority.

16. **CC4025 - Health - Wash up Sink** - In addition to the food preparation sink and hand wash basin, a dishwasher and a single bowl sink or a double bowl sink for the purpose of washing up is to be provided. Wash up sink must be provided with adjacent loading and/or drying space.

Details must be submitted with the plans for satisfactory approval prior to the issue of any Construction Certificate.

17. **CC7008 - Building - Access for Persons with a Disability** - Access and sanitary facilities for persons with disabilities must be provided to the premises/building 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. **CC2003 - Development Assessment - Construction Site Management Plan - Major Development** - 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.

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/details are required and are to be incorporated into the plans to be lodged **with the Construction Certificate application.**

(a) The design and supporting documentation must be in accordance with the approved Architectural Plans (Rev E dated 11 July 2016 prepared by Tecton Group) and elevations achieving a maximum RL52.06.

22. **CC5003 - Trees - Tree Removal and Replacement - Private Land -** Permission is granted for the removal of the following trees:

(a) Eleven (11) trees as specified in Existing Tree Schedule in Landscape Plan drawing Number 14-2932LO1 Rev C dated 6.7.16 prepared by Zenith Landscape Designs

Six (6) trees selected from the list of suitable species in the Hurstville City Council's *Tree Removal and Pruning Guidelines* must be replanted within the front and/or rear yard of the subject site. Trees are to be replanted a minimum of 3m away from any driveway, building or structure.

The selected trees shall have a minimum pot size of 45 litres. A copy of Hurstville Council's *Tree Removal and Pruning Guidelines*, can be downloaded from Council's website [www.hurstville.nsw/Residents/Tree Management](http://www.hurstville.nsw/Residents/Tree%20Management).

23. **CC8006 - Waste - Waste Storage Containers - Commercial/Industrial -** Appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:-

(a) Retail Trading - shops, to 100 square metres - 0.1-0.2 cubic metres per 100 square metres of floor area per day;

(b) Restaurants and Food Shops - 0.3-0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals; and,

(c) Office - 0.01-0.03 cubic metres per 100 square metres of floor area per day.

All waste and recycling containers shall be stored in an approved waste storage area that is large enough to store the required number of bins, appropriate for the number of units and intended uses of the building, and is to be located in an area of the building that can be adequately serviced by waste collection vehicles.

If the Waste Storage Area is located in a part of the building that cannot be easily accessed by service providers, it will be the responsibility of the Owners Corporation to present the bins for collection to the kerb-side.

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

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

Reference No.	Date	Description	Revision	Prepared by
2861	16/12/2014	Stormwater Drainage	A	Consulting Design and Inspection Engineers Pty

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

25. **CC5004 - Trees - Tree Removal & Replacement - Public Land** - Permission is granted for the removal of the following trees located on Council's public footpath:

(a) One (1) tree as specified as Tree One in Existing Tree Schedule in Landscape Plan drawing Number 14-2932LO1 dated 9/12/14 prepared by Zenith Landscape Designs.

This work is to be undertaken at the applicant's expense.

26. **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.

27. **CC7004 - Building - Structural details** - Structural plans, specifications and design statement 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) columns
- (e) structural steel
- (f) reinforced building elements
- (g) retaining walls
- (h) stabilizing works
- (i) structural framework

28. **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 in any commercial/retail/residential units 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.
29. **CC3005 - Development Engineering - On Site Detention**

Reference No.	Date	Description	Revision	Prepared by
2861	16/12/2014	Stormwater Drainage	A	Consulting Design and Inspection Engineers Pty

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**

30. **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).

31. **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.
32. **CC5002 - Trees - Tree Protection and Retention** - All other trees are to remain and are to be protected.

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.

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.

33. **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.
34. **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

35. **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.
36. **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.
37. **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.
38. **PREC7001 - Building - Registered Surveyors Report - During Development Work** - A 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) Floor slabs or foundation wall, before formwork or commencing brickwork.
 - (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
 - (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.

- (e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (f) 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.
- (g) Other.

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.

- 39. **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.

- 40. **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.

- 41. **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.
- 42. **CON3001 - Development Engineering - Physical connection of stormwater to site** - No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Queensbury Road.

43. **CON6001 - Engineering - Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc, and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
44. **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.
45. **CON7001 - Building - Structural Engineer's Certification during construction** - The proposed building 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 geotechnical and 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.

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. **OCC2005 - Development Assessment - Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.
47. **OCC2007 - Development Assessment - Allocation of car parking spaces** - Car parking associated with the development is to be allocated as follows:
 - (a) Child care centre: four (4) spaces including one (1) compliant accessible space
48. **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.

49. **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)

50. **OCC3011 - Development Engineering - Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the Principal Certifying Authority (PCA) prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

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

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

52. **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.

53. **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.

54. **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.**

55. **OCC6004 - Engineering - Line marking of car parking spaces - Major Development** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742 - Australian Standard Manual of Uniform Traffic Control Devices and RMS's guidelines.
56. **OCC6005 - Engineering - Completion of Major Works** - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:
- (a) Relocation of existing power/light pole
 - (b) Relocation/provision of street signs
 - (c) New or replacement street trees;
 - (d) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
 - (e) New or reinstated kerb and guttering within the road related area; and
 - (f) New or reinstated road surface pavement within the road.

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. Further the damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

57. **OCC6006 - Engineering - Wheel Stops** - Wheel stops must be installed in accordance with Section 2.4.5.4 of the Australian Standards AS/NZS 2890.1 - Parking Facilities - Part 1 Off-Street Car Parking. Wheel stops shall be painted with reflective white paint to ensure night time visibility.
58. **OCC6009 - Engineering - Stormwater drainage works - Works As Executed** - Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a qualified stormwater engineer, with Works-As-Executed drawings supplied to Council detailing:
- (a) Compliance with conditions of development consent relating to stormwater;
 - (b) The structural adequacy of the On-Site Detention system (OSD);
 - (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
 - (d) Pipe invert levels and surface levels to Australian Height Datum;
 - (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of the Occupation Certificate.

59. **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.

60. **OCC7002 - Building - Slip Resistance** - Floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in wet rooms in any commercial/retail/residential units are to comply with the slip resistant requirements of AS1428.1 (general requirements for access/new building work) and AS1428.4 (tactile ground surface indicators) and AS2890.6 (off-street parking). Materials must comply with testing requirements of AS/NZS4663:2002.

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.

61. **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 must be in accordance with legislative and industry requirements.

62. **ONG2002 - Development Assessment - Hours of operation** - The approved hours of operation shall be restricted to the following: 7.30am - 6.00pm Monday - Friday, closed Saturday and Sunday. Use of outdoor play areas are restricted between 9.00am – 6.00pm.

63. **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 turf areas.

64. **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).

65. **ONG4014 - Health - Health Care Premises - Medical Waste Storage and Disposal** - A separate clinical waste bin and sharp container is to be provided for the disposal of clinical waste and sharps. Clinical and sharps waste must be collected and disposed of by an authorised contractor in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 (as amended).
66. **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.
67. **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.

68. **ONG4041 - Health - Food Premises - Adequate waste receptacles (Restaurants, takeaway/cafe)** - Appropriate waste and recycling containers must be provided in accordance with the following waste generation rates:-
- Restaurants and Food Shops - 0.3-0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals; and,

All waste and recycling containers shall be stored in the approved waste storage area that is large enough to store the required number of bins and must be adequately serviced by waste collection vehicles.

69. **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).
70. **ONG4044 - Health - Food premises - Noise control** - The use of the premises must not give rise to the transmission of 'offensive noise; to any place of different occupancy. 'Offensive noise' is defined in the Protection of the Environment Operations Act 1997 (as amended).
71. **ONG4045 - Health - Food premises - Final Acoustic Report Verification** - Within three (3) months from the issue of an Occupation Certificate, an acoustical assessment is to be carried out by acoustic engineer 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 mechanical, equipment, ancillary fittings, machinery, mechanical ventilation system and /or refrigeration systems does not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997 (as amended).

72. 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).
73. ONG4047 - **Health - Food premises - Storage of goods** - There shall be no storage of any goods external to the building with the exception of waste receptacles.
74. ONG4049 - **Health** - The premises must comply with the Smoke Free Environment Act 2000 (as amended).
75. ONG4050 - **Health - Restricted use** - No amplified equipment or live bands permitted in the outdoor play area at any time.
76. ONG4051 - **Health - Acoustic report** - Noise control measures must be adopted and maintained in accordance with the Acoustic report submitted by Rodney Stevens Acoustics from Acoustic Consultants - Report 150321R dated 3 September 2015.
77. 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.
78. ONG6003 - **Engineering - Entering and Exiting of vehicles** - All vehicles shall enter and exit the premises in a forward direction.
79. ONG7004 - **Building - Maximum number of children spaces** - The child care centre must not exceed twenty three (23) childcare spaces at any one time.
80. ONG7005 - **Child Care Centre** - The proposal must adequately satisfy all legislative requirements relating to Child Care use.
81. 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.

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.

Not Applicable

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.

82. **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.
83. **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.
84. **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.
85. **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.

86. 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.

87. 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.

88. 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.

89. 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.

90. 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.

91. 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.

92. 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.