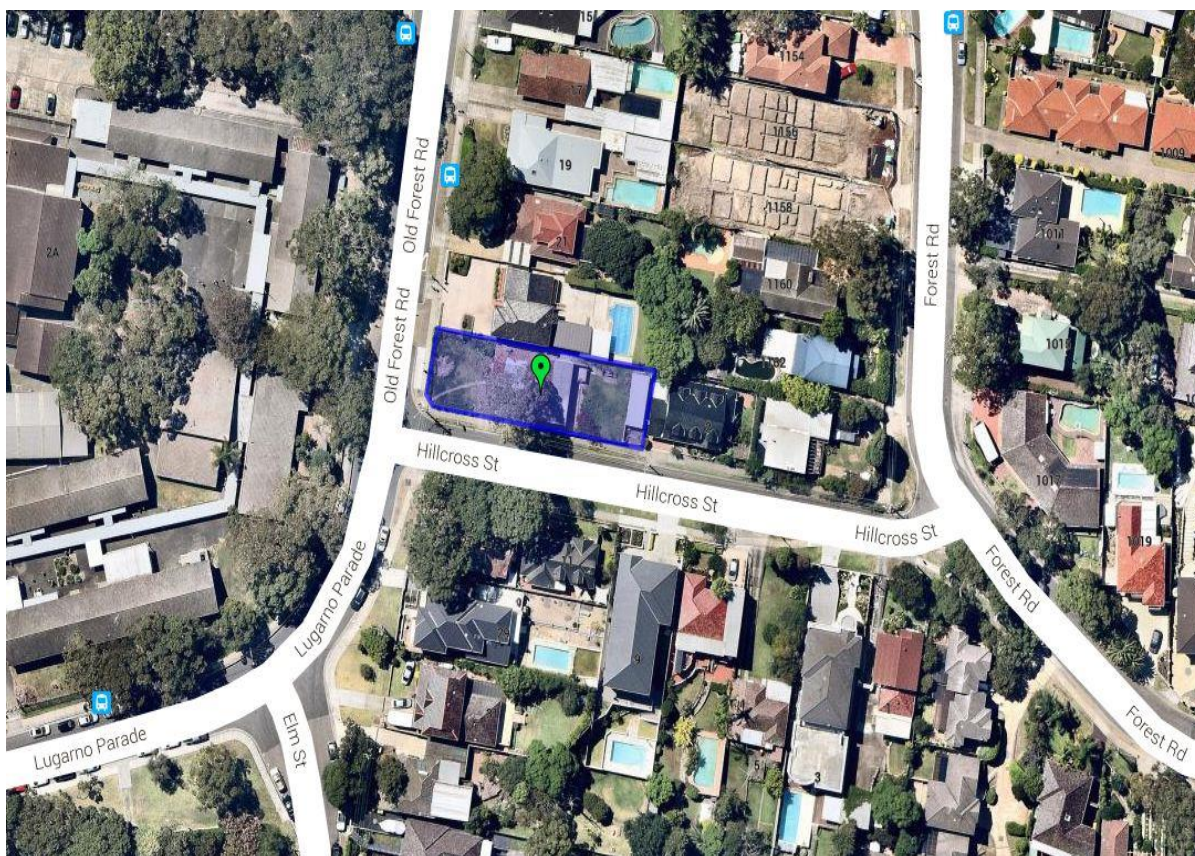


**REPORT TO GEORGES RIVER COUNCIL
IHAP MEETING OF 4 AUGUST 2016**

IHAP Report No	Item 1	Development Application No	DA2015/0082
Site Address & Ward Locality	25 Old Forest Road Lugarno Peakhurst Ward		
Proposal	Alterations and additions to existing dwelling for use as a child care centre for nineteen (19) children		
Report Author/s	Senior Development Assessment Officer, Ms T Gizzi		
Zoning:	Zone R2 - Low Density		
Date of Lodgement	18 March 2015		
Owner	Oxford Number 1 Pty Ltd		
Applicant	Ridge Designs		
Submissions	Twenty three (23) submissions and a petition with one hundred and seventy two (172) signatures		
Cost of Works	\$250,000.00		
Reason for Referral to IHAP	Previously deferred by IHAP, submissions received and variations to DCP1		
Recommendation	THAT the application be approved in accordance with the conditions included in the report		

Site Plan



EXECUTIVE SUMMARY

1. Development consent is sought for alterations and additions to the existing dwelling and a change of use to a child care centre for nineteen (19) children.
2. Variations to the Hurstville Development Control Plan No 1 – LGA Wide are proposed. Having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, an assessment of the variations has found them to be satisfactory and acceptable for the reasons stated in this report.
3. The application was notified in accordance with the Development Control Plan No 1. Twenty three (23) submissions and a petition with one hundred and seventy two (172) signatures were received opposing the development. The issues raised have been summarised in this report and are not considered to warrant refusal of the application.
4. The application was deferred at the Council meeting of 4 May 2016 for a site inspection. The site inspection was held on 11 May 2016.
5. The application was deferred by IHAP at meeting held on 21 June 2016 for additional information.
6. The applicant has now addressed the reasons for deferral by the IHAP

AUTHOR RECOMMENDATION

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

REPORT DETAIL

DESCRIPTION OF THE PROPOSAL

1. Development consent is sought for alterations and additions to the existing single storey dwelling and change of use to a child care centre. Details of the centre are as follows:

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

HISTORY

2. 18 Mar 15 Application lodged
- 20 Mar 15 Application notified
- 15 Apr 15 Application renotified
- 6 Oct 15 Applicant advised of issues
- 17 Nov 15 Amended information received
- 8 Dec 15 Amended plans renotified
- 14 Jan 16 Amended plans renotified due to error
- 4 May 16 Application deferred at Council meeting for a site inspection
- 21 Jun 16 Application deferred by IHAP

IHAP DEFERRAL

3. The application was reported to the IHAP meeting of 21 June 2016 with a recommendation for approval subject to conditions. The decision of the IHAP was as follows:

'The Georges River Council IHAP as the delegate of the Georges River Council defers determination of this Development Application DA2015/0082 for alterations and additions to existing dwelling for the use as a child care centre for nineteen (19) children on Lot 3 DP 15582 and known as 25 Old Forest Road, Lugarno and invites the applicant to submit the following within 14 days;

- Amended plans showing the car park being redesigned to relocate the pedestrian pathway from behind the vehicle parking spaces whilst providing a minimum of four (4) parking spaces as required by the Development Control Plan.*
- A Plan of Management that includes details in relation to the use and times of the outdoor play areas, the use and types of equipment (play equipment), drop off/pick-up arrangements, Complaint Handling Procedure and servicing of the site (deliveries and collections of items).'*

The applicant has now submitted an amended plan to modify the parking arrangement in accordance with the IHAP's comments. The parking spaces have been shifted to provide a 1m wide pathway along the northern boundary and into the child care centre. In amending the layout, one (1) parking space was required to be deleted, reducing the number of spaces to four (4) comprising two (2) staff spaces and two (2) parent spaces. The amended car parking arrangement also results in a reduction of the landscaped area along the Old Forest Road frontage.

A Plan of Management has also been provided addressing all issues raised in the IHAP's decision. A summary of measures to be implemented is provided below.

- Outdoor Play Area: Between 9.00am and 4.00pm, the outdoor play area will be used for a maximum of two (2) hours per day.
- Play Equipment: Equipment will be plastic or hollow metal sections filled with expanding foam or sand. All equipment will be located a minimum of 3m from neighbouring boundaries.
- Drop Off and Pick Up Arrangements: All children are to be signed in and out. Parents will be provided with a welcome pack including an information sheet that details arrangements including a ten (10) minute limit at drop off times and that extended meetings are to occur outside the peak period.
- Complaints: A complaint handling procedure is provided in the Plan of Management.
- Servicing of the Site: Deliveries will take place between 9.30am and 2.30pm only.

The submitted Plan of Management is considered satisfactory.

COMPLIANCE AND ASSESSMENT

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

The application adopts the previous assessment provided in the original report to the IHAP, however consideration of the amendments against the relevant sections of the controls is provided below.

Environmental Planning Instruments

HURSTVILLE LOCAL ENVIRONMENTAL PLAN 2012

5. The proposed amendments have no effect on compliance with the Hurstville Local Environmental Plan 2012.

STATE ENVIRONMENTAL PLANNING POLICY NO 55 - REMEDIATION OF LAND

6. The proposed amendments have no effect on compliance with State Environmental Planning Policy No 55.

GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO 2 – GEORGES RIVER CATCHMENT

7. The proposed amendments have no effect on compliance with the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment.

Draft Environmental Planning Instruments

8. No Draft Environmental Planning instruments affect the proposed development.

Development Control Plans

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

9. The amended design results in the loss of one parking space from five (5) spaces to four (4).

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

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

10. The proposed amendments have no effect on compliance with Section 3.4.

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE - SECTION 3.5 ENERGY EFFICIENCY

11. The proposed amendments have no effect on compliance with Section 3.5.

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.6 RAINWATER TANKS

12. The proposed amendments have no effect on compliance with Section 3.6.

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

The proposed amendments have no effect on compliance with Section 3.7.

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

13. The proposed amendments have no effect on compliance with Section 3.9.

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

14. The amended application still ensures the retention of the *Eucalyptus Heamastoma* (Scribbly Gum).

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

15. The below table provides an assessment of the amended plans against the relevant clauses only of Section 5.4 of Council’s Development Control Plan No 1 – LGA Wide.

Section 5.4	Standard	Proposed	Complies
5.4.10.1 Parking and Driveway	1 space for every 2 staff members = 2 spaces 1 space per 10 children = 2 spaces Total = 4 spaces	4 spaces provided	Yes
	Landscaping and paving design associated with driveways must achieve the following: <ul style="list-style-type: none"> • Pedestrian safety and visibility • Level, hard surface from vehicles to entry point • Satisfactory manoeuvrability for disabled persons and/or prams • Clear delineation between driveway and yard areas 	Satisfactory	Yes
	Physical demarcation is required to be provided between pedestrians and vehicular access ways to ensure pedestrian safety	Provided along the northern boundary	Yes
5.4.10.2 Traffic Considerations	Council to consider traffic and safety impacts	A Traffic Report was submitted with the application. The report has been reviewed by Council’s Manager Infrastructure Planning and found to be acceptable. The addition of a pedestrian pathway along the northern boundary provided further safety for pedestrians within the car parking area.	Yes
5.4.10.3 Access for Persons with Limited Mobility	A 1m wide landscaped area is required to be provided along the front setback	1m wide landscaped area is provided along part of the primary frontage to Old Forest Road.	Acceptable

		As a result of the amendments required by the IHAP, where this landscape area is located alongside the car parking spaces, the width of the landscaping is significantly reduced to a width of 0.4m. Even so, the reduced width is sufficient to allow landscaping that will provide some visual relief. Additionally, when considered in its context, the reduced landscaping is consistent with the character and appearance of the adjoining properties.	
5.4.11.1 Tree Preservation and Planting	A 1m wide landscaped area is required to be provided along the front setback	1m along part of the Old Forest Road frontage. See discussion above. Along the Hillcross Street frontage, 1.7m wide landscaped area is provided where the secondary frontage is not interrupted by services, ramps, etc or by fencing along the outdoor play area.	Yes
5.4.13.13 Hours of Operation	Max. 7.00am – 6.30pm	Mon – Fri: 7.00am – 6.30pm	Yes
5.4.14.1 Visual Privacy	Play equipment to be setback 3m from boundaries adjoining residential	This is confirmed within the submitted Plan of Management	Yes

Impacts

Natural Environment

16. The amended car park layout results in reducing the width of the landscaped area along the Old Forest Road frontage to a minimum width of 0.4m. Even so, the width of the landscaped area is considered sufficient to allow for some planting that would provide visual relief and complement the streetscape.

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

Built Environment

17. The submitted Plan of Management provides a number of measures to reduce impacts on the amenity of adjoining properties and also minimise traffic impacts. Subject to conditions requiring operations in accordance with the Plan of Management, the proposed development would not result in a significant impact on neighbouring properties and the built environment.

Social Impact

18. It is considered that the proposed child care centre will provide a service that is in demand in the Hurstville LGA and benefit the community. The applicant has submitted traffic and acoustic reports which support the proposal subject to specific recommendations being adopted in the development. The issues raised by residents in the submissions received to the application are detailed in the original report.

Economic Impact

19. 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

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

REFERRALS, SUBMISSIONS AND THE PUBLIC INTEREST

Resident

21. Re-notification of the application is not required.

Even so two (2) objections were received. One (1) reiterating issues previously raised and addressed in the original report, the second is in relation to the amended plans and plan of management. The new issues are addressed below.

Parking

22. Parking is reduced to one (1) parent space only which is inadequate.

Comment: The amended plans provide two (2) staff parking spaces and two (2) parent drop off spaces including one (1) disabled space. Although there is a loss of one (1) parking space, the development meets the minimum requirements of the Development Control Plan.

Hours of Operation

23. The proposed hours of operation from 7.00am to 6.30pm will inevitably result in staff arriving at 6.30am and leaving at 8.00pm or later.

Comment: The hours of operation for the centre from 7.00am to 6.30pm are in accordance with the Development Control Plan and are acceptable. The hours of operation refer to the business hours of the centre and as such the centre will not be open to parents and children outside these times. The arrival and departure of staff outside of these times for setup and clean up would not result in unreasonable noise and disturbance to neighbours and is acceptable.

Outdoor Activities

24. Controlling the noise of children is impossible to control. Music will also not be controlled.

Comment: Outdoor activities will be limited to a maximum of two (2) hours per day and it is proposed to include structured activities in that play time. The centre is for only nineteen (19) children and it is not considered that two (2) hours of outdoor play per day would result in any significant detrimental impact on the neighbouring properties.

Traffic Management

25. There is no detailed plan other than signs and issuing a welcome pack. A detailed plan is required.

Comment: Signage reminding parents to minimise noise is a common noise mitigation measure. Also, limiting drop off times to a maximum of ten (10) minutes will also minimise the need for vehicles to park and queue on the street. Also, it is a reasonable expectation that road users, including parents, will follow the road rules to minimise traffic and safety impacts. The Plan of Management in relation to parking and drop off is acceptable.

Waste Management and Cleanliness

26. The plan does not adequately address the problem of waste storage and removal. The laundry is undersize and below the requirements of the Development Control Plan.

Comment: A waste storage area has been provided along the Hillcross Street frontage in accordance with the Development Control Plan. It is a requirement of the operator to organise commercial waste collection services either through Councils waste serves or a private operator.

As noted in the previous report, the laundry is smaller than that required by the Development Control Plan. However, there are sufficient facilities available if emergency cleaning is required and it will be a requirement of the operator to organise commercial laundering services if needed. This is also subject to licencing requirements.

Equipment Type

27. The supporting structure for the shade structure comprises steel posts, 1.2m from the neighbouring boundaries. These should be relocated and hollow sections filled as per the play equipment.

Comment: The location of the posts associated with the shade structure is acceptable. A condition is recommended requiring the posts to be filled similar to the play equipment.

Deliveries

28. Delivery trucks will not be able to manoeuvre on site and will park illegally in Hillcross Street and in our driveways.

Comment: Given the size of the centre, deliveries are likely to be in smaller trucks that can manoeuvre on site. Again, there is some level of expectation that delivery drivers will also follow the road rules and not park across driveways.

Council Referrals

29. No additional referral comments required.

CONCLUSION

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

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

The application was notified in accordance with the Development Control Plan, twenty three (23) submissions were received and petitions with one hundred and seventy two (172) signatures objecting to the development were received. The issues raised were addressed in the previous report. The amended documentation requested by the IHAP do not require re-notification, however two (2) objections have been received. The new issues raised have been summarised in this report and are not considered to warrant refusal of the application.

Following deferral by the IHAP at the meeting held on 21 June 2016, the applicant has submitted amended plans with a modified parking layout and a Plan of Management which addresses the concerns raised by the Panel.

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

DETERMINATION

31. THAT pursuant to Section 80(2) of the Environmental Planning and Assessment Act, 1979, as amended, the Council, grants development consent to Development Application DA2015/0082 for alterations and additions to existing dwelling for use as a child care centre for nineteen (19) children on Lot 3 DP 15582 and known as 25 Old Forest Road, Lugarno, subject to the following conditions:

Schedule A – Site Specific Conditions

GENERAL CONDITIONS

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

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

Reference No.	Date	Description	Revision	Prepared by
DA01	01.07.16	Site Layout and Site Analysis Plan	D	Ridge Designs
DA02	9.11.15	Demolition Plan	C	Ridge Designs
DA04	9.11.15	Ground Floor Plan	C	Ridge Designs
DA05	9.11.15	Elevations	C	Ridge Designs
DA06	9.11.15	Elevations	C	Ridge Designs
DA07	9.11.15	Disable Ramp Details	C	Ridge Designs
DA08	9.11.15	Disable Ramp Details	C	Ridge Designs
DA09	9.11.15	Kitchen Details	C	Ridge Designs
-	17.3.15	Waste Management Plan	A	Ridge Designs
-	-	Finishes Schedule	-	Ridge Designs
-	17.3.15	Landscape Concept Plan	-	Monaco Designs

2. GEN1002 - **Fees to be paid to Council** - The fees listed in the table below must be paid

in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable **at the time of payment.**

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

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

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

(a) Fees to be paid:

Fee types, bonds and contributions

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

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

PCA Services Fee	\$1,175.00
Construction Certificate Application Fee	\$1,175.00
Construction Certificate Imaging Fee	\$103.00

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

3. GEN1014 - **Long Service Levy** - Submit evidence of payment of the Building and Construction Industry Long Service Leave Levy to the Principal Certifying Authority. Note this amount is based on the cost quoted in the Development Application, and same may increase with any variation to estimated cost which arises with the Construction Certificate application. To find out the amount payable go to www.lspc.nsw.gov.au or call 131441. **Evidence of the payment of this levy must be submitted with the Construction Certificate application.**
4. GEN1015 - **Damage Deposit - Minor Works** - In order to insure against damage to Council property the following is required:
 - (a) Payment to Council of a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$1,500.00.**
 - (b) Payment to Council of a non refundable inspection fee to enable assessment of any damage and repairs where required: **\$145.00.**

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

SEPARATE APPROVALS UNDER OTHER LEGISLATION

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

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

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

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

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

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

The relevant Application Forms for these activities can be downloaded from Georges River Council's website at: www.georgesriver.nsw.gov.au

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

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

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

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

To apply for approval:

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

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

REQUIREMENTS OF OTHER GOVERNMENT AGENCIES

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

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

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

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

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

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

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

10. CC2014 - **Development Assessment - Design Change** – The following design changes are required and are to be incorporated into the plans to be lodged **with the Construction Certificate application**.
 - a. All play equipment is to be setback 3m from any boundary adjoining a residential property.
 - b. The steel posts associated with the shade structure, if hollow, are to be filled with expanding foam or sand.
11. CC4019 - **Health - Food Premises - Plans and Specifications** - Details of the construction and fit out of food premises must be submitted to Council's Environmental Health Officer. The plans and specifications must demonstrate compliance with the:
 - *Food Act 2003 (as amended)*;
 - *Food Regulation 2010 (as amended)*;
 - *Food Standards Code* as published by Food Standards Australia;
 - New Zealand and Australian Standard AS4674:2004 *Design, Construction and fit out of food premises (as amended)*;
 - Sydney Water - trade Waste Section.

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

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

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

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

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

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

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

15. **CC7001 - Council as PCA - Plans required to demonstrate compliance with BCA** - Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:

- (a) Access and Egress provisions in accordance with Parts D1 & 2.
- (b) Access and sanitary facilities for persons with disabilities.
- (c) Energy efficiency report.
- (d) Kitchen Exhaust System.
- (e) Fire services and equipment including fire extinguishers and exit signs.
- (f) Smoke hazard management system and associated alarm systems.
- (g) Protection devices for all openings within 3m of a fire source feature.
- (h) Provision of natural light and ventilation.
- (i) Fire resistance levels of all building elements including linings to walls, floors and ceilings.

16. **CC7007 - Building - Engineer's Certificate** - A certificate from a practicing qualified Structural Engineer certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**

17. **CC7008 - Building - Access for Persons with a Disability** - Access to and throughout the premises and sanitary facilities for persons with disabilities must be provided in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application.
18. **CC8007 - Waste - Waste Storage Containers - Child Care Centre** - All waste and recycling containers shall be stored in an approved waste storage area, located in an area of the site that is satisfactory for these purposes. Facilities are to be provided in accordance with any requirements of the NSW Department of Community Services.

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

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

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

20. **CC2002 - Development Assessment - Site Management Plan - Minor Development** - A Site Works Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.
21. **CC2004 - Development Assessment - Design Changes** - The following design changes are required and are to be incorporated into the plans to be lodged **with the Construction Certificate application**.
- (i) The submitted concept hydraulic plan shall be amended to:
 - (a) include the provision of On Site Detention;
 - (b) show all outlet pipes from grated drains and pits to be a minimum 150mm diameter.

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

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

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

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

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

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

24. **CC7002 - Building - Fire Safety Measures prior to Construction Certificate** - Prior to the issue of a Construction Certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a Certifying Authority. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or Certifying Authority will then issue a Fire Safety Schedule for the building.

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

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

The above submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

All stormwater shall drain by gravity, via an On Site Detention system, to Council's kerb and gutter directly in front of the development site at the Hillcross Street frontage in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2003 (as amended).

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

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

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

The above submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

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

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

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

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

28. CC7002 - **Building - Fire Safety Measures prior to Construction Certificate** - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a Certifying Authority. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or Certifying Authority will then issue a Fire Safety Schedule for the building.

29. **CC7004 - Building - Structural details** - Structural plans and specifications prepared and endorsed by a suitably qualified practising structural engineer who holds the applicable Certificate of Accreditation as required under the Building Professionals Act 2005 shall be submitted along with the Construction Certificate application to the Certifying Authority for any of the following, as required by the building design:
- (a) piers
 - (b) footings
 - (c) slabs
 - (d) structural steel
 - (e) reinforced building elements
 - (f) structural framework
30. **CC7011 - Building - Slip Resistance - Commercial, Retail and Residential Developments** - All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate. Details of compliance must be submitted with the application for the Occupation Certificate.
31. **CC3005 - Development Engineering - On Site Detention**

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

The above submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

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

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

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

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

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

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

32. CC6004 - **Engineering - Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be **designed and** constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).
33. CC8001 - **Waste - Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site, clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Principal Certifying Authority and copy provided to the Manager - Environmental Services, Georges River Council prior to the issue of any Construction Certificate.

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

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

34. PREC2001 - **Building regulation - Site sign - Soil and Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), the durable site sign issued by Georges River Council in conjunction with this consent must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
35. PREC2002 - **Development Assessment - Demolition and Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2011 - Demolition of Structures, NSW Work Health and Safety Act 2011 and the NSW Work Health and Safety Regulation 2011. The work plans required by AS2601-2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the Principal Certifying Authority prior to the commencement of works.

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

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

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

36. PREC2008 - **Development Assessment - Demolition Notification Requirements** - The following notification requirements apply to this consent:

- a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
 - b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Georges River Council advising of the demolition date, details of the WorkCover licensed asbestos demolisher and the list of residents advised of the demolition.
 - c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.
37. **PREC2009 - Development Assessment - Demolition work involving asbestos removal** - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011.
38. **PREC6001 - Engineering - Dial before your dig** - The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council's Engineers for their records.
39. **PREC7001 - Building - Registered Surveyors Report - During Development Work** - A Registered Surveyors report must be submitted to the Principal Certifying Authority at each of the following applicable stages of construction:
- (a) Set out before commencing excavation.
 - (b) Completion of Floor Slab Formwork - Before pouring of concrete slab/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
 - (c) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.
- Work must not proceed beyond each stage until the Principal Certifying Authority is satisfied that the height and location of the building is proceeding in accordance with the approved plans.
40. **PREC7002 - Building - Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the developer's expense.

DURING WORK

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

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

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

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

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

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

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

This covenant is to be worded as follows:

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

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

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

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

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

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

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

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

48. **OCC4013 - Health - Food Premises - Inspection and Registration** - Prior to the issue of any Occupation Certificate or occupation or use of any food premises:

- (a) An inspection of the fit out of the Food Premises must be arranged with Council's Environmental Health Officer;
- (b) a satisfactory final inspection must have been undertaken by Council's Environmental Health Officer; and
- (c) the Food Premises must notify and register with Georges River Council of its business details.

49. **OCC4014 - Health - Food Premises - Noise from mechanical plant and equipment** - Noise from the operation of mechanical, equipment, ancillary fittings, machinery, mechanical ventilation system and/or refrigeration systems must not give rise to offensive noise as defined under the Protection of the Environment Operations Act 1997 (as amended) and will comply with the noise intrusion criteria as defined under the NSW Industrial Noise Policy published by the Environment Protection Authority.

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

50. **OCC2007 - Development Assessment - Allocation of car parking spaces** – Four (4) parking spaces including one (1) accessible space is to be maintained on site at all times. Two (2) spaces are to be allocated for parent drop off and pick up and two (2) spaces are to be allocated to staff.

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

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

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

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

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

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

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

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

ONGOING CONDITIONS

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

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

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

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

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

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

55. **ONG2002 - Development Assessment - Hours of operation -** The approved hours of operation shall be restricted to 7.00am to 6.30pm Monday to Friday with no operation permitted on weekends or public holidays.

56. **ONG2009 - Development Assessment - Child and Staff Numbers -** The child care centre is approved to a maximum occupancy of nineteen (19) children and three (3) staff members during the approved hours of operation.

57. **ONG2010 – Development Assessment – Plan of Management –** The application is to operate at all times in accordance with the Operation Management Plan dated June 2016.

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

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

60. ONG4017 - **Health - Lighting - General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill.
61. ONG4019 - **Health - Storage of goods outside buildings** - There shall be no storage of any goods external to the building with the exception of waste receptacles.
62. ONG4043 - **Health - Food premises - Maintenance of food premises** - The food premises must be maintained in accordance with the Food Act 2003 (as amended), Food Regulation 2010 (as amended); the Food Standards Code as published by Food Standards Australia and New Zealand and Australian Standard AS 4674-2004 - Construction and fit out of food premises (as amended).
63. 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).
64. ONG4049 - **Health - Smoke Free legislation** - The premises must comply with the Smoke Free Environment Act 2000 (as amended).
65. ONG4050 - **Health - Restricted use** - No amplified equipment or live bands permitted in the outdoor play area at any time.
66. ONG4051 - **Health - Acoustic report** - Noise control measures must be adopted and maintained in accordance with the Acoustic report submitted by Acoustic Noise and Vibration Solutions Pty Ltd Reference Number: 2015-046 amended date 16 November 2015.
67. 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.
68. ONG6003 - **Engineering - Entering and Exiting of vehicles** - All vehicles shall enter and exit the premises in a forward direction.
69. ONG7004 - **Building** - Noise levels emitted from any plant, machinery, mechanical exhaust system or any outdoor air conditioning unit must not exceed the background noise level in any octave band when measured at any point on the boundary of the site.
70. ONG7005 - **Child Care Centre Use** - The proposal must adequately satisfy all legislative and industry requirements relating to the child care use at all times.
71. 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.

72. **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.
73. **ONG2003 - Development Assessment - Maintenance of Landscaping** - All trees and plants forming part of the landscaping must be maintained on an ongoing basis. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control and any other operations required to maintain healthy trees, plants and turfed areas.

ADVICE

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

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

For more information visit www.workcover.nsw.gov.au

Schedule B – Prescribed Conditions

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

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

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

75. **PRES1001 - Clause 97A – BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

76. 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.
77. 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.
78. 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.
79. 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.

80. 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.

81. 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 Georges River Council as the Principal Certifying Authority for your development.

82. 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.

83. 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.

84. 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.

85. 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 Georges River 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.

86. 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.