

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

IHAP Report No	Item 2	Development Application No	DA2014/1197
Site Address & Ward Locality	10 Lawrence Street Peakhurst Peakhurst Ward		
Proposal	Demolition of existing structures and construction of a three storey child care centre for 48 children with basement car parking		
Report Author/s	Senior Development Assessment Officer, Ms T Gizzi		
Zoning	Zone R3 - Medium Density Residential		
Date of Lodgement	23 December 2014		
Owner	Tarek and Mariam Ibrahim		
Applicant	Tarek and Mariam Ibrahim		
Submissions	Multiple submissions were received from three (3) properties opposing the development		
Cost of Works	\$680,000.00		
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 demolition of the existing structures and construction of a three (3) storey child care centre to accommodate forty eight (48) children.
2. A variation to the number of storeys control in Hurstville Development Control Plan No 1 – LGA Wide is proposed. Having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, an assessment of the variation has found the development to be satisfactory and acceptable for the reasons stated in this report.
3. The application was notified in accordance with the Development Control Plan No 1. Multiple submissions were received from three (3) properties opposing the development. The issues raised have been summarised in this report and are not considered to warrant refusal of the application.
4. The application was reported to the IHAP at the meeting held on 21 June 2016 with a recommendation for approval subject to conditions. The application was deferred for the provision of additional information and amended plans.
5. The applicant has now submitted additional information in response to the IHAP's requested.

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 demolition of the existing structures and construction of a three (3) storey child care centre with basement parking. Details of the centre are as follows:

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

The layout of the building is outlined below:

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

HISTORY

2. 23 Dec 14 Application lodged
- 19 Jan 15 Stop the clock letter sent. Applicant advised residential dwelling at second floor level is not permissible.
- 25 Feb 15 Amended plans received and residential dwelling at second floor level deleted and converted to child care centre office space
- 19 Mar 15 Application notified
- 30 Jun 15 Application renotified.
- 1 Jul 15 Applicant advised of issues
- 24 Sep 15 Additional information provided
- 30 Oct 15 Amended plans notified
- 15 Jan 16 Applicant advised of outstanding issues
- 22 Feb 16 Amended plans received
- 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 Development Application No. 2014/1197 for the construction of three storey child care centre for 48 children with basement car parking at 10 Lawrence Street, Peakhurst and invites the applicant to submit amended plans and details addressing the following within 14 days;

- *Increase the side setbacks of the outdoor terrace on level 1 so that they are a minimum of 1.5 metres on each side and increase the rear setback of the terrace so that it is a minimum of 10 metres.*
- *Increase the side setbacks of the outdoor terrace on level 2 so that they are a minimum of 3 metres on each side and reduce the depth of the terrace so that it is no more than of 3.5 metres.*
- *Provide full details of the privacy and acoustic screen on level 1 and 2 outdoor terraces.*
- *Internalise the fire stairs that are presently shown on the northern elevation.*
- *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 responded to the IHAP's request in the following manner:

- **Setbacks**

The applicant has not modified the setbacks as requested by the Panel. Instead, the applicant has submitted a letter responding to the IHAP's comments and providing justification for the retention of the outdoor terraces as originally submitted to the Panel. The applicant's justification for the retention of the outdoor terraces is based on the setbacks, height and floor space ratio complying with the relevant controls, and the benefit of the development to the community.
- **Privacy and Acoustic Screens**

Details of acoustic and privacy screens have been detailed on the amended plans. 1.8m high, solid fencing will be provided along the sides of both outdoor terraces. This is to be topped with a 0.6m polycarbonate/Perspex privacy screen angled at 45 degrees. Along the rear edge of each terrace, a 1.2m high solid fence is proposed. The applicant has verbally advised that the acoustic fencing is to be of brick construction which is recommended as a condition of consent.
- **Fire Stairs**

The applicant has not internalised the fire stairs as requested. Justification has been provided for the retention of the stairs on the basis that procedures will be put in place to ensure they are only accessed in the event of an emergency. The proposed procedures include installation of a 1.2m high childproof gate, installation of an alarm on the gate, and signage at the top and bottom of the stairs.
- **Plan of Management**

A plan of management has been submitted. The plan of management addresses the issues raised by the Panel as follows:

 - **Outdoor Play Area:** The outdoor play areas will be used at different times by different age groups. To minimise the disturbance to neighbours, outdoor play time will not commence before 9.00am or after 4.30pm and children will be encouraged to play in small groups.
 - **Play Equipment:** Details of play equipment have been provided. One (1) fixed modular set is proposed to be located at ground floor level and two (2) fixed sandpits will also be installed. A condition is also recommended to ensure all play equipment is located at least 3m from the adjoining boundaries in accordance with the Development Control Plan.
 - **Drop Off and Pickup Arrangements:** All children are to be signed in and out. Access is provided from the lift at basement level or the front door.
 - **Complaints:** A complaint handling procedure is provided in the plan of management. A condition is also recommended requiring the centre to maintain a register of complaints that can be made available to Council if requested.
 - **Servicing of the Site:** Deliveries will take place between 10.00am and 2.30pm only.

The submitted Plan of Management is considered satisfactory subject to conditions.

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 SEPP55.

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 proposed amendments have no effect on compliance with Section 3.1.

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

10. The proposed amendments have no effect on compliance with Section 3.3.

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

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

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

12. The provisions of Section 3.5 relating to solar access to adjoining developments apply to the proposed development. The proposed amendments include the construction of 1.8m high acoustic walls topped with a 0.6m high privacy screen along the sides of each of the terraces. This will increase overshadowing of the properties to the south of the site, however they will maintain a minimum 3 hours solar access between 9am and 3pm on 21 June in accordance with the Development Control Plan.

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

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

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

14. The proposed amendments have no effect on compliance with Section 3.8.

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

15. 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

16. The proposed amendments have no effect on compliance with Section 3.11.

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

17. 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
5.4.9.2 Setbacks	Front Setback – minimum 6m	Unchanged 6m to wall of building	Yes
	Side Setback – minimum 0.9m for ground level 1.5m for upper storey	Unchanged 0.9m at ground floor level 1.5m first and second floor level (0.9m to first floor outdoor play area however setbacks are measured to the wall)	Yes
	Rear Setback – minimum 6m	Unchanged 6m	Yes
5.4.9.3 Relationships to Adjoining Properties	Impacts of the following to be considered: <ul style="list-style-type: none"> • Play areas – indoor and outdoor • Windows and doors (particularly those associated with indoor play areas) • Verandahs • Point of entry • Pick-up and drop-off points • Any plant equipment which may be required within the context of the centre • Openings such as windows and doors should not correspond with existing opening on adjoining properties 	In response to the requests of the IHAP, the applicant has now proposed 1.8m high, brick acoustic walls along the side edge of both the first and second floor terraces. In addition to this, 0.6m high louvered privacy screens are also proposed on top of the acoustic walls. Also, as per the original report, a condition is recommended requiring the acoustic wall to also be provided along the rear edge of the outdoor play area on Level 1, to a minimum height of 1.6m above finished floor level.	Yes

		<p>The submitted Plan of Management also states that air conditioning will only be used during business hours and windows will be closed when indoor activities are likely to have a noise impact.</p> <p>For the reasons provided in the original report, and with the above additional measures in place, the relationship to the adjoining properties is acceptable and significant amenity impacts would be avoided.</p>	
5.4.9.4 Solar Design and Energy Efficiency	A minimum of 3 hours sunlight between 9am and 3pm is to be maintained to adjoining private open space, habitable rooms and solar collectors	Satisfactory	Yes
5.4.12.2 Outdoor Spaces	7sqm per child	Complies	Yes
	Must receive 2 hours sunlight during operating hours	More than 2 hours sunlight achieved	Yes
	Sandpits to be designed meet controls	Sand areas provided to external play areas which are subject to the relevant requirements of the regulations	Yes, subject to condition
	Not to be located forward of the building line	The outdoor play area is at the rear of the site	Yes
5.4.12.5 Entry and Security Requirements	Legible entry points to be located within the view of the main office	Clear defined, legible entry points. Office has a clear view of the entrance door.	Yes
	Playground to be fenced	Complies	Yes
	Gates or opening devices to be fitted with a childproof latch or self locking device	Complies	Yes
5.4.13.13 Hours of Operation	Max. 7am – 6.30pm	Mon – Fri: 7.30am – 6.00pm	Yes
5.4.14.1 Visual Privacy	Provide screenings by trees, fencing and window coverings to minimise noise and overlooking impacts	A 1.8m high solid boundary fence will be constructed along the side and rear boundaries of the site to protect the neighbours from the outdoor play area and ground floor windows.	Yes

		<p>At first and second floor levels, windows in side elevations have been limited to highlight windows or bathroom windows to minimise amenity impacts. In response to the minutes of the IHAP meeting, the applicant has now proposed 1.8m high, brick acoustic walls along the side edge of both the first and second floor terraces. In addition to this, 0.6m high louvered privacy screens are also proposed on top of the acoustic walls.</p> <p>A condition of consent is also recommended requiring the acoustic wall to also be provided along the rear of the first floor outdoor play area to a minimum height of 1.6m.</p> <p>With the above measures in place, the proposal will not result in significant visual or acoustic privacy impacts.</p>	
	Locate any playground equipment at least 3m from any boundary with a residential property	Subject to condition	Yes, subject to condition

Impacts

Natural Environment

18. The amended plans do not result in any impacts on the natural environment.

Built Environment

19. The applicant has submitted a Plan of Management and amended plans which provide acoustic walls around the sides of the first and second floor terraces.

Although the terraces have not been reduced in size in accordance with the IHAPs request, with the acoustic walls in place, it is not considered the development would result in unreasonable impacts on the amenity of the neighbours.

With the acoustic walls, the bulk of the building will increase, however solar access to the neighbouring properties remains compliant and the building also complies with the maximum building height, FSR and setback controls that apply to the site.

Also, in terms of noise, the Plan of Management contains a number of details on the day to day running of the centre which includes the outdoor play times which are likely to be of most impact on the neighbours. Outdoor play times are proposed to be staggered throughout the day so that all forty eight (48) children will not be outside at the same time. Additionally, there is no outdoor play before 9.00am or after 4.30pm. These restrictions on outdoor play times are considered to further impact acoustic impacts on the adjoining properties.

The external stairs have been retained contrary to the requests of the IHAP, however they are proposed to be gated and alarmed for emergency use only. With these measures in place, the proposed external stairs would not result in unreasonable visual or acoustic impacts on the adjoining property to the north.

Subject to conditions, the proposed development would not result in a significant impact on the built environment.

Social Impact

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

Economic Impact

21. 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

22. 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

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

Council Referrals

24. No additional referral comments required.

CONCLUSION

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

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

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

Following deferral by the IHAP at the meeting held on 21 June 2016, the applicant has submitted amended plans, a plan of management and written justification to address the issues raised. Although the applicant has not incorporated all the design changes requested by the IHAP in the amended plans, the amended proposal is considered to sufficiently minimise the impacts of the development and refusal of the application is not warranted.

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

DETERMINATION

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

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
1.1	5/07/16	Existing and Demolition Plan	G	Tecton Group
1.2	5/07/16	Roof and Site Plan	G	Tecton Group
1.3	5/07/16	Basement Floor Plan	G	Tecton Group
1.4	5/07/16	Ground Floor Plan	G	Tecton Group
1.5	5/07/16	First Floor Plan	G	Tecton Group
1.6	5/07/16	Second Floor Plan	G	Tecton Group
2.1	5/07/16	Western Elevation	G	Tecton Group
2.2	5/07/16	Northern Elevation	G	Tecton Group
2.3	5/07/16	Southern Elevation	G	Tecton Group
2.4	5/07/16	Eastern Elevation	G	Tecton Group
2.5	5/07/16	Section A-A	G	Tecton Group
2.6	5/07/16	Front Fence Elevation	G	Tecton Group
15	19/12/14	Schedule of Finishes	A	Tecton Group

Reference No.	Date	Description	Revision	Prepared by
14-2917 LO1	16/02/16	Landscape Plan	A	Zenith Landscape Designs
14-2917 LO2	16/02/16	Landscape Plan	A	Zenith Landscape Designs
-	09/02/16	Emergency Management Plan	1.1	Gregory Muir
-	11/02/16	Traffic and Parking Assessment Report	-	Terraffic Pty Ltd
-	9/12/14	Acoustic Report	-	Rodney Stevens Acoustics

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

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

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

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

- (a) Fees to be paid:

Fee types, bonds and contributions

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

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

3. GEN1014 - **Long Service Levy** - Submit evidence of payment of the Building and Construction Industry Long Service Leave Levy to the Principal Certifying Authority. Note this amount is based on the cost quoted in the Development Application, and same may increase with any variation to estimated cost which arises with the Construction Certificate application. To find out the amount payable go to www.lspc.nsw.gov.au or call 131441. **Evidence of the payment of this levy must be submitted with the Construction Certificate application.**
4. GEN1016 - **Damage Deposit - Major Works** - In order to insure against damage to Council property the following is required:
 - (a) Payment to Council of a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$1,500.00.**
 - (b) Payment to Council of a non refundable inspection fee to enable assessment of any damage and repairs where required: **\$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 1.50m wide x 80mm thick concrete path for the full length of the frontage of the site in Lawrence Street in accordance with Council’s Specifications for footpaths.
- (b) Construct a 150mm thick concrete vehicular crossing reinforced with F72 fabric in accordance with Council’s Specifications for vehicular crossings.
- (c) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the beneficiary of this consent and in accordance with Council’s *Specification for Vehicular Crossings and Associated Works*. The work shall be carried out by a private contractor, subject to Council approval.

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

To apply for approval:

- (a) Complete the *Driveway Crossing on Council Road Reserve Application Form* which can be downloaded from 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. **CC2001 - Development Assessment - Erosion and Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
- (a) Compliance with the approved Erosion and Sediment Control Plan
 - (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)

- (c) all clean water run-off is diverted around cleared or exposed areas
- (d) silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) all erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with Managing Urban Stormwater - Soils and Construction (Blue Book) produced by Landcom 2004.

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

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

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

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

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

- a. An acoustic wall with a minimum height of 1.6m is to be constructed along the rear edge of the first floor outdoor play area. The acoustic wall is to match those provided along the sides of the outdoor play area as detailed on the approved plans.
- b. The acoustic walls are to be of brick construction and finished to match the approved schedule of finishes.
- c. A staff shower is to be provided at second floor level.
- d. An additional sink is to be provided within the first floor level indoor play area for craft purposes.

e. Play equipment is to be located 3m from the side and rear boundaries.

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

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

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

14. **CC2030 – Contamination Report** – A preliminary contamination report is to be completed by a qualified person and submitted to the Certifying Authority prior to the issue of the Construction Certificate. Any recommendations of the report are to be included in the Construction Certificate documentation.

15. **CC3001 - Development Engineering - Stormwater System** - The submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21. **CC4019 - Health - Food Premises - Plans and Specifications** - Details of the construction and fit out of food premises must be submitted to Council's Environmental Health Officer. The plans and specifications must demonstrate compliance with the:
- *Food Act 2003* (as amended);
 - *Food Regulation 2010* (as amended);
 - *Food Standards Code* as published by Food Standards Australia;
 - New Zealand and Australian Standard AS4674:2004 *Design, Construction and fit out of food premises (as amended)*;
 - Sydney Water - trade Waste Section.

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

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

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

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

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

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

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

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

25. **CC6004 - Engineering - Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be **designed and** constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).
26. **CC7001 - Council as PCA - Plans required to demonstrate compliance with BCA** - Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:
 - (a) Access and Egress provisions in accordance with Parts D1 & 2.
 - (b) Access and sanitary facilities for persons with disabilities.
 - (c) Energy efficiency report.
 - (d) Kitchen Exhaust System.
 - (e) Fire services and equipment including fire extinguishers and exit signs.
 - (f) Smoke hazard management system and associated alarm systems.
 - (g) Protection devices for all openings within 3m of a fire source feature.
 - (h) Provision of natural light and ventilation.
 - (i) Fire resistance levels of all building elements including linings to walls, floors and ceilings.
27. **CC7002 - Building - Fire Safety Measures prior to Construction Certificate** - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a Certifying Authority. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or Certifying Authority will then issue a Fire Safety Schedule for the building.
28. **CC7004 - Building - Structural details** - Structural plans and specifications prepared and endorsed by a suitably qualified practising structural engineer who holds the applicable Certificate of Accreditation as required under the Building Professionals Act 2005 shall be submitted along with the Construction Certificate application to the Certifying Authority for any of the following, as required by the building design:
 - (a) piers
 - (b) footings
 - (c) slabs
 - (d) structural steel
 - (e) reinforced building elements
 - (f) structural framework

29. CC7007 - **Building - Engineer's Certificate** - A certificate from a practicing qualified Structural Engineer certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**
30. CC7008 - **Building - Access for Persons with a Disability** - Access to and throughout the premises and sanitary facilities for persons with disabilities must be provided in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application.
31. CC7010 - **Building – Geotechnical report - Geotechnical Reports** - The applicant must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted **before the issue of the Construction Certificate** and is to include:
- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
 - (b) Dilapidation Reports on the adjoining properties including, but not limited to all properties with a boundary adjoining the site prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the Certifying Authority and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
 - (c) On-site guidance by a vibration specialist during the early part of excavation.
 - (d) Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
 - (e) Sides of the excavation are to be piered prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.
32. CC7011 - **Building - Slip Resistance - Commercial, Retail and Residential Developments** - All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate. Details of compliance must be submitted with the application for the Occupation Certificate.

33. **CC8001 - Waste - Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site, clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Principal Certifying Authority and copy provided to the Manager - Environmental Services, Georges River Council prior to the issue of any Construction Certificate.
34. **CC8007 - Waste - Waste Storage Containers - Child Care Centre** - All waste and recycling containers shall be stored in an approved waste storage area, located in an area of the site that is satisfactory for these purposes. Facilities are to be provided in accordance with any requirements of the NSW Department of Community Services.

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

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

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

35. **PREC2001 - Building regulation - Site sign - Soil and Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), the durable site sign issued by 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.
36. **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

37. **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.

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

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

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

47. **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.

48. **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)
49. **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.
50. **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.
51. **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.
52. **OCC2007 - Development Assessment - Allocation of car parking spaces** – Ten (10) parking spaces are to be maintained on site at all times. Five (5) spaces are to be allocated for parent drop off/pickup and five (5) spaces for staff as detailed on the approved plans.

53. **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.

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

55. **OCC2010 – Development Assessment – External Emergency Stairs** – The external emergency stairs provided on the northern side of the building from the Level 1 outdoor play area are to be fitted with child proof gates at the top and bottom of the stairs, alarms are to be installed, and the stairs signposted for emergency use only, prior to the issue of any Occupation Certificate.

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

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

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

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

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

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

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

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

ONGOING CONDITIONS

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

58. **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.

59. **ONG2002 - Development Assessment - Hours of operation** - The approved hours of operation shall be restricted to 7.30am to 6.00pm Monday to Friday with no operation permitted on weekends or public holidays.
60. **ONG2009 - Development Assessment - Child and Staff Numbers** - The child care centre is approved to a maximum occupancy of forty eight (48) children and nine (9) staff members during the approved hours of operation.
61. **ONG2010 – Development Assessment – Plan of Management** – The application is to operate in accordance with the approved Plan of Management dated July 2016.
62. **ONG2011 – Development Assessment – Complaints Register** – The child care centre is to maintain a register of complaints received from any neighbouring properties/local residents that details the date and time of the complaint, nature of the complaint and any actions taken. The register is to be available for inspection by Council, upon request.

63. **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).
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. **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.
66. **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.
67. **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).
68. **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).
69. **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).
70. **ONG4047 - Health – Storage of goods** - There shall be no storage of any goods external to the building with the exception of waste receptacles.
71. **ONG4049 - Health - Smoke Free legislation** - The premises must comply with the Smoke Free Environment Act 2000 (as amended).
72. **ONG4050 - Health - Restricted use** - No amplified equipment or live bands permitted in the outdoor play area at any time.

73. 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.
74. ONG6003 - **Engineering - Entering and Exiting of vehicles** - All vehicles shall enter and exit the premises in a forward direction.
75. 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.
76. ONG7005 - **Child Care Centre Use** - The proposal must adequately satisfy all legislative and industry requirements relating to the child care use at all times.
77. 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.

78. 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.
79. 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.

80. 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

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

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

Notification of Food Business

Section 100 of the *Food Act 2003* requires:

100 Notification of conduct of food business

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

Notification can be done on-line at www.foodnotify.nsw.gov.au

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

82. ADV4006 - **Health – Noise – Advice**
Noise related conditions

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

Useful links relating to Noise:

- **Community Justice Centres**—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).

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

Schedule B – Prescribed Conditions

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

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

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

83. **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.
84. **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.
85. **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.
86. **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.
87. **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.

88. **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.

89. **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.

90. **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.

91. **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.

92. 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.
93. 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.

94. 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.