

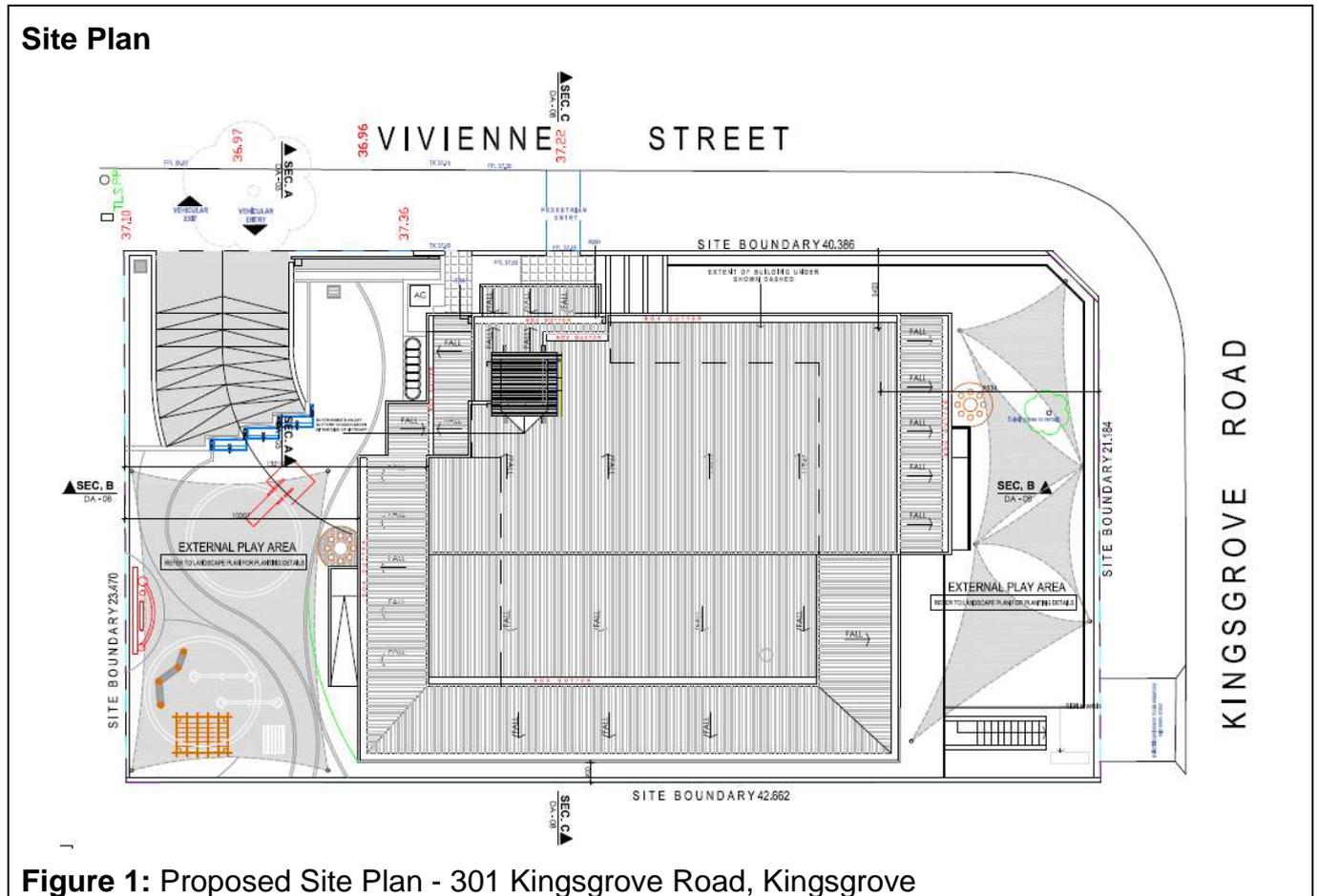
**REPORT TO GEORGES RIVER COUNCIL
LPP MEETING OF FRIDAY, 05 OCTOBER 2018**

LPP Report No	LPP043-18	Development Application No	DA2017/0487
Site Address & Ward Locality	301 Kingsgrove Road Kingsgrove Hurstville Ward		
Proposed Development	Demolition of existing structures and construction of a new 47 place child care centre with basement car parking		
Owners	Mr Youssef Salloum and Ms Nancy Tamir		
Applicant	Futuristic Design Pty Ltd		
Planner/Architect	J Salloum		
Date Of Lodgement	18/10/2017		
Submissions	Forty eight (48) submissions		
Cost of Works	\$737,000.00		
Local Planning Panel Criteria	Number of submissions received		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	<ul style="list-style-type: none"> • Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment • State Environmental Planning Policy No 55 - Remediation of Land • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 • Hurstville Local Environmental Plan 2012 • Hurstville Development Control Plan 2012 		
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Architectural Plans 2. Acoustic Report 3. Traffic Report 4. Landscape Plan 		
Report prepared by	Development Assessment Planner		

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

Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable

<p>Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?</p>	<p>Not Applicable</p>
<p>Conditions Have draft conditions been provided to the applicant for comment?</p>	<p>No, standard conditions have been attached with no design changes</p>



Executive Summary Proposal

1. Council is in receipt of a Development Application (DA2017/0487) seeking consent for the demolition of all structures, and the construction a two (2) storey child care centre with basement car parking. The centre is proposed to accommodate forty seven (47) children aged zero to five (0 to 5) years of age.

Site and Locality

2. The subject site is a corner allotment located on the western side of Kingsgrove Road and the southern side of Vivienne Street between Moreton Avenue to the north and Morris Avenue to the south. The allotment is generally rectangular in shape, with a 21.184m eastern frontage to Kingsgrove Road, a 40.386m secondary northern boundary to Vivienne Street including a splay, a 42.662m southern side boundary, a 23.470m rear western boundary and a site area of 998.89sqm.

Zoning and Permissibility

3. The subject land is zoned R2 - Low Density Residential under the provisions of the Hurstville Local Environmental Plan 2012 (HLEP 2012). The proposed development is

defined by the (HLEP 2012) as a ‘Centre-based child care facilities’ which is a permitted land use in the R2 Zone.

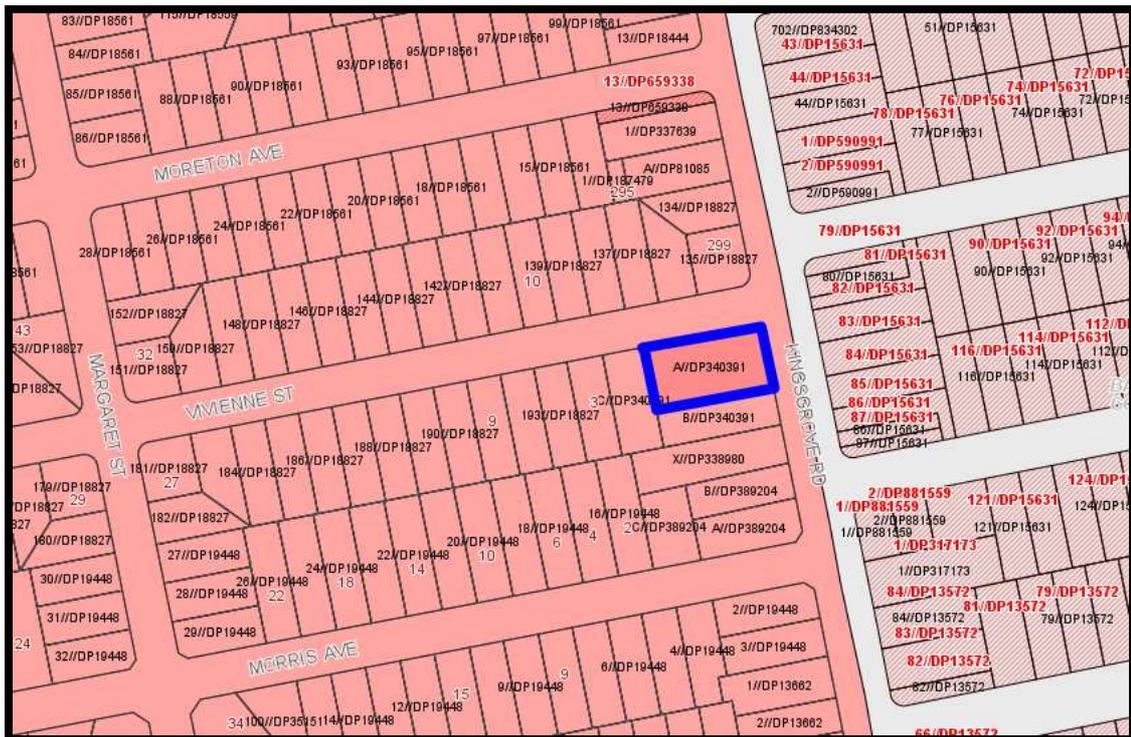


Figure 2: Extract of Zoning Map, site outlined in blue, east of Kingsgrove Road is Bayside Council.

Submissions

- The proposed development was notified to the immediate surrounding residents on two (2) separate occasions due to amendments. During the notification period(s), a total of forty eight (48) submissions were received by Council, objecting to the proposed development.

Conclusion

- The proposed development generally complies with the planning controls and objectives of the Hurstville Local Environmental Plan 2012. The proposed development is seeking variations to the permitted number of children and the permitted number of storeys under the provisions of the Hurstville Development Control (HDCP).

In view of the above, the application is recommended for approval following a merit based assessment and the conditions contained in this report.

Report in Full

Proposal in Full

- Council is in receipt of an application for the demolition of all structures, the construction of a two (2) storey forty seven (47) place child care centre including a basement car park, associated landscape works including play areas and fencing at 301 Kingsgrove Road, Kingsgrove.

The application is seeking the following:

- 7 children aged 0-2;
- 20 children aged 2-3; and
- 30 children aged 3-5.

- 7. Fourteen (14) car parking spaces are proposed as part of the development including one (1) accessible car parking space and a dedicated turning bay area.
 - 6 staff places;
 - 7 parent spaces; and
 - 1 accessible space.

The Site and Locality

- 8. The subject site is a corner allotment located on the western side of Kingsgrove Road and the southern side of Vivienne Street between Moreton Avenue to the north and Morris Avenue to the south. The allotment is generally rectangular in shape, with a 21.184m eastern frontage to Kingsgrove Road, a 40.386m secondary northern boundary to Vivienne Street including a splay, a 42.662m southern side boundary, a 23.470m rear western boundary and a site area of 998.89sqm.

The allotment has a slight slope with a fall of 0.59m from the rear western boundary to the front eastern boundary. The immediate surrounding area accommodates single and two storey residential dwellings, with Kingsgrove Public and Kingsgrove High School are located approximately 300m to the south and Kingsgrove Uniting Church to the north of the site. Approximately 550m to the north of the site is Kingsgrove Railway Station and Kingsgrove Town Centre. There are a number of bus stops along Kingsgrove Road servicing passengers in a north and south direction.

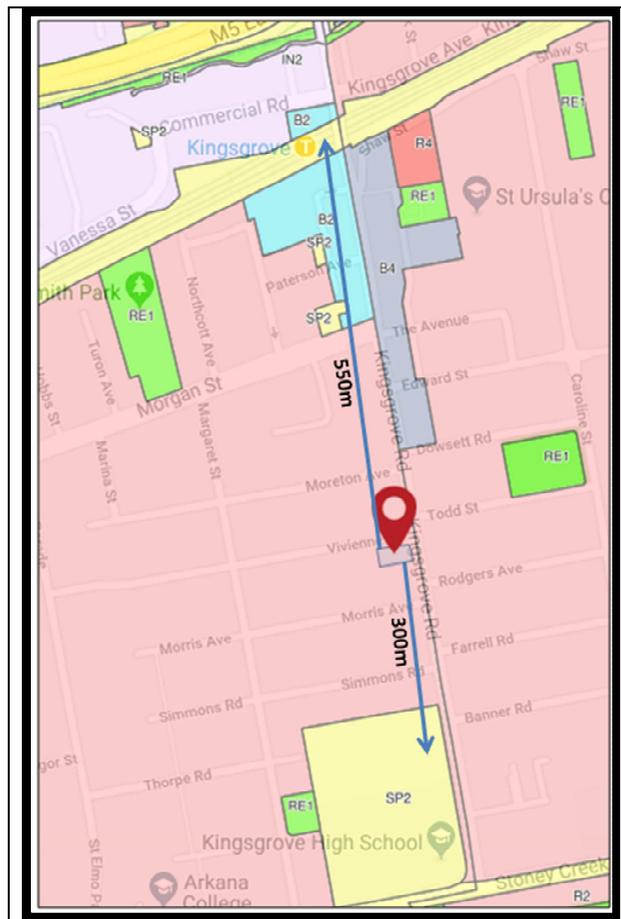


Figure 3: Distance from subject allotment to schools and Kingsgrove Local Centre

Background

- 9. The subject DA (DA2017/0487) was lodged on 17 October 2017.

PLANNING ASSESSMENT

10. The site has been inspected and the proposed development has been assessed under the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

Environmental Planning Instruments

State Environmental Planning Policies

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

11. State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education and Child Care SEPP) commenced on 1 September 2017 and aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

Clause 22 of the Education and Child Care SEPP indicates that the consent authority cannot grant consent to a development for the purpose of a centre-based child care facility except with the concurrence of the Regulatory Authority. However; concurrence of the Regulatory Authority is only required if the floor area of the building and the proposed outdoor spaces do not satisfy Parts 107 and 108 of the Education and Care Services National Regulations.

Part 107(2) of the Regulations states that, for each child being educated and cared for by the service, the education and care service premises is to have at least 3.25sqm per child of unencumbered indoor space equating to 152.75sqm for the proposed forty seven (47) children.

The proposed unencumbered indoor space is 170.15sqm equating to 3.62sqm per child, which exceeds the minimum requirement.

Part 108(2) of the Regulations states that, for each child being educated and cared for by the service, the education and care service premises has at least 7.0sqm of unencumbered outdoor space equating to 329sqm for the proposed forty seven (47) children.

The outdoor space proposed is to be 501.2sqm equating to 10.67sqm per child, which exceeds the minimum requirement.

Child Care Planning Guideline Compliance Table			
Controls	Requirement	Proposed	Complies
3.1 Site selection and location	C1- For proposed developments in or adjacent to a residential zone consider:		
	<ul style="list-style-type: none"> ▪ the acoustic and privacy impacts of the proposed development on the residential properties 	An acoustic report prepared by Acoustic Noise and Vibration Solutions has been submitted with the DA. Mitigation measures are proposed as detailed in the report which is an	Yes

		<p>attachment to this report and will ensure acoustic amenity of neighbours is not compromised. These measures include window and door treatments, materials within the play area not be of metal, sound barrier fencing, limiting where music can be played, signage relating to arrival and departure noise, noise levels of staff, and a noise management plan be developed.</p> <p>The acoustic report was also reviewed by Council's Environmental Health Team, who deemed the application satisfactory, subject to conditions.</p>	
	<ul style="list-style-type: none"> ▪ the setbacks and siting of buildings within the residential context 	<p>The proposed setbacks for the proposed development are compliant with Council's Development Control Plan (DCP) – Section 5.3 – Part 2.</p> <p>A front setback of approximately 9.534m to Kingsgrove Road is proposed.</p> <p>A secondary street setback of approximately 3.423m to Vivienne Street is proposed.</p> <p>A side setback of approximately 0.9m to the south of the allotment is proposed.</p> <p>A rear setback of approximately 10.207m to the west of the allotment is proposed.</p> <p>The proposed building footprint is appropriately set back from the adjoining neighbouring properties.</p> <p>Architectural plans have been amended throughout the Development Application process to</p>	<p>Yes</p>

		accommodate for additional setbacks to address neighbouring concerns.	
	<ul style="list-style-type: none"> ▪ traffic and parking impacts of the proposal on residential amenity 	<p>A traffic and parking assessment has been prepared by Greys Australia Consultants which indicates the local road network has capacity to accommodate the vehicular movements anticipated by the proposal. The proposed off-street parking provisions satisfy the numerical requirements of Council's Development Control Plan (DCP) – Section 5.3 – Child Cares. Which states:</p> <ul style="list-style-type: none"> - Staff Parking: 1 Space per 2 Staff Members; <p>Five (5) required, applicant provided eight (8);</p> <ul style="list-style-type: none"> - Parent Parking: 1 Space per 10 Children; <p>Three (3) required, applicant has provided six (6);</p> <p>Total spaces required: eight (8); Total spaces provided: Fourteen (14);</p> <p>The traffic and parking report was reviewed by Council's Traffic Engineer, who supports the findings subject to the imposition of conditions.</p>	Yes
	<p>C2 - When selecting a site, ensure that:</p> <ul style="list-style-type: none"> ▪ the location and surrounding uses are compatible with the proposed development or use 	<p>Centre based childcare facilities are permissible in the zone. The application has respected the setbacks of the DCP and provides a building form not</p>	Yes

		<p>inconsistent with that of dwelling houses in the locality.</p> <p>The application is consider compatible with a low density residential locality.</p>	
	<ul style="list-style-type: none"> ▪ the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards 	<p>The site is not identified in a flood planning area within the Hurstville LEP 2012.</p>	Yes
	<ul style="list-style-type: none"> ▪ there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed 	<p>The site has a long history of residential use and it is not anticipated that there are any contaminants on the land. There is no reason to suspect that the site is contaminated, or otherwise unsuitable for the proposed development.</p>	Yes
	<ul style="list-style-type: none"> ▪ the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties. - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas. 	<p>The characteristics of the site are able to accommodate a centre based child care facility as the site is regular in shape with adequate land area.</p> <p>The development will have minimal environmental impacts and storm water will be appropriately managed.</p>	Yes
	<ul style="list-style-type: none"> ▪ there are suitable drop off and pick up areas, and off and on street parking 	<p>The proposal provides adequate on-site parking and makes provision for on-site pick up and drop off areas via Vivienne Street within the basement car park.</p> <p>A turning bay in the carpark has been accommodated to ensure all vehicles can manoeuvre within this space to leave the site in a forward</p>	Yes

		direction.	
	<ul style="list-style-type: none"> the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use 	<p>The proposed child care centre adjoins Kingsgrove Road which is a Local Road.</p> <p>The access to the car parking is via Vivienne Street where the driveway is the furthest away from the intersection of Kingsgrove Road.</p> <p>The pedestrian entry is via Vivienne Street.</p> <p>Adequate site lines are available to ensure pedestrian and vehicle safety are not compromised.</p>	Yes
	<ul style="list-style-type: none"> it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	The site is adjoining and surrounded by residential dwellings.	Yes
	C3 - A child care facility should be located:		
	<ul style="list-style-type: none"> near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship 	The site is located approximately 300m from Kingsgrove High School and Kingsgrove Primary School. The Schools are located directly south of the proposed development site.	Yes
	<ul style="list-style-type: none"> near or within employment areas, town centres, business centres, shops 	The site is located approximately 450m to the south of employment and business centres particularly Kingsgrove Town Centre.	Yes
	<ul style="list-style-type: none"> with access to public transport including rail, buses, ferries 	Kingsgrove Railway Station is located approximately 550m to the north of the site. Various bus stops are located along Kingsgrove Road.	Yes

	<ul style="list-style-type: none"> ▪ in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	The subject site has pedestrian connectivity to public transport, shops, services and facilities by way of a concrete footway along Kingsgrove Road and Vivienne Street.	Yes
	C4- A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from proximity to:		
	<ul style="list-style-type: none"> ▪ heavy or hazardous industry, waste transfer depots or landfill sites ▪ LPG tanks or service stations ▪ water cooling and water warming systems ▪ odour (and other air pollutant) generating uses and sources or sites ▪ which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses ▪ extractive industries, intensive agriculture, agricultural spraying activities 	The site is not located in close proximity to any of the potentially harmful or hazardous uses described in this part of the Guideline.	Yes
	<ul style="list-style-type: none"> ▪ any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site. 	No other known environmental hazards have been identified.	Yes
3.2 Local character, streetscape and the public domain interface	C5 - The proposed development should:		
	<ul style="list-style-type: none"> ▪ contribute to the local area by being designed in character with the locality and existing streetscape 	The proposed built form will be in keeping with the existing building, character and locality in terms of height, bulk and scale.	Yes

	<ul style="list-style-type: none"> ▪ reflect the predominant form of surrounding land uses, particularly in low density residential areas 	<p>The site is zoned R2 low density residential. The development has proposed height, bulk and scale that is consistent the other modern and contemporary designed in the locality.</p>	Yes
	<ul style="list-style-type: none"> ▪ recognise predominant streetscape qualities, such as building form, scale, materials and colours 	<p>The proposal seeks to demolish the existing structures on site and construction of a two storey centre based child care facility. The proposed development will be in keeping with the predominant streetscape qualities related to building form, scale, materials and colours.</p>	Yes
	<ul style="list-style-type: none"> ▪ include design and architectural treatments that respond to and integrate with the existing streetscape 	<p>The proposed building has a height bulk and scale that is not inconsistent with the bulk and scale of the surrounding modern development, albeit additional forms relating to a publically accessible building which requires access for all and business identification signage (insufficient signage details have been provided with this application, no an assessment cannot be undertaken).</p>	Yes
	<ul style="list-style-type: none"> ▪ use landscaping to positively contribute to the streetscape and neighbouring amenity 	<p>The application has been accompanied by a landscape plan prepared by 'Futuristic Design'. This plan identifies the species selection and planting arrangement both of which are appropriate with respect to the presentation to the public domain, adjoining neighbours and the use of the building. The plan was reviewed by Council's Landscape and Tree Management Officer, the proposal is adequate</p>	Yes

		subject to the imposition of conditions.	
	<ul style="list-style-type: none"> integrate car parking into the building and site landscaping design in residential areas. 	The car parking is proposed in a basement.	Yes
	C6 - Create a threshold with a clear transition between public and private realms, including:		
	<ul style="list-style-type: none"> fencing to ensure safety for children entering and leaving the facility 	Appropriate fencing is proposed for the site to ensure safety and security measures for children preventing them leaving the facility without assistance.	Yes
	<ul style="list-style-type: none"> windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community 	The windows in the proposed building will provide adequate solar access and visibility. They are also located towards the public domain facilitating active and passive surveillance to and from the public domain.	Yes
	<ul style="list-style-type: none"> integrating existing and proposed landscaping with fencing. 	The proposed landscaping appropriately integrates fencing and vegetation components.	Yes
	C7- On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.	The proposed centre based childcare centre is the only building on the site and has clearly identifiable pedestrian and vehicle access points.	Yes

	C9- Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.	The application proposes a 1.8m high front fence to Kingsgrove Road and Vivienne Street; the front fence is proposed to mitigate noise as per the recommendations from the acoustic report which is supported by Council's Health Officer.	Yes
	C10- High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.	Not located on a classified road, however a 1.8m acoustic fence is proposed around the allotment, to address neighbouring concerns and the recommendations of the acoustic report. Amended plans have been provided to ensure compliance with the submitted acoustic report and recommendations.	Yes
3.3 Building orientation, envelope and design	C11- Orient a development on a site and design the building layout to:		
	ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> ▪ facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties ▪ placing play equipment away from common boundaries with residential properties ▪ locating outdoor play areas away from residential dwellings and other sensitive uses 	The development is oriented to Vivienne Street as this is where the pedestrian and vehicular entry is located. Openings overlook Vivienne Street and Kingsgrove Road. There are also openings in the southern and western elevations. The openings within the southern elevation have a setback exceeding 3m. Play areas are located to the eastern and western side of the development, with covered verandas to the southern side. The location of the eastern play area aligns with the rear of the southern	Yes

		allotment and the eastern side of the western neighbour predominantly within their rear yards not adversely compromising the amenity of these neighbours.	
	<ul style="list-style-type: none"> ▪ optimise solar access to internal and external play areas 	<p>The development will achieve maximum solar access through its orientation along the northern boundary. Dual street frontages will ensure the child care facility is adequately separated from adjacent uses in order to receive direct sunlight to the children's play areas. Operable glass walls are proposed for the indoor play spaces, which will ensure privacy as well as appropriate solar access to these spaces.</p> <p>In addition the first floor built form is 4.241m from the southern neighbour in order to ameliorate shadow impacts.</p>	Yes
	<ul style="list-style-type: none"> ▪ avoid overshadowing of adjoining residential properties 	The proposal will create a minimal impact of overshadowing on nearby residential properties.	Yes
	<ul style="list-style-type: none"> ▪ minimise cut and fill 	The proposed application seeks a basement car parking area, requiring an excavation of 2.7m, to accommodate for on-site parking. Amended plans have been sought by Council to provide a turning bay area for users to safely enter and exit the site.	Yes
	<ul style="list-style-type: none"> ▪ ensure buildings along the street frontage define the street by facing it 	The proposal adequately responds to both Kingsgrove Road and Vivienne Street.	Yes
	<ul style="list-style-type: none"> ▪ ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind 	The proposed facility is located above ground level. The siting of the facility and proposed outdoor play areas will not	Yes

	and other climatic conditions.	be affected by climatic changes.	
	C12- The following matters may be considered to minimise the impacts of the proposal on local character:		
	<ul style="list-style-type: none"> ▪ building height should be consistent with other buildings in the locality 	The proposed two storey building complies with the 9m height standard applicable to the site.	Yes
	<ul style="list-style-type: none"> ▪ building height should respond to the scale and character of the street 	The proposed building height and form is suitable in scale and responds to the existing dwelling character of the locality.	Yes
	<ul style="list-style-type: none"> ▪ setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility 	The proposed development will not adversely impact privacy of adjoining residential allotments.	Yes
	<ul style="list-style-type: none"> ▪ setbacks should provide adequate access for building maintenance 	The proposed building provides adequate setbacks for building maintenance.	Yes
	<ul style="list-style-type: none"> ▪ setbacks to the street should be consistent with the existing character. 	The setbacks to Kingsgrove Road and Vivienne Street are consistent with the existing character and the Hurstville Development Control Plan.	Yes
	C13- Where there are no prevailing setback controls minimum setback to a classified road should be 10m. On other road frontages where there are existing buildings within 50m, the setback should be the average of the two closest buildings. Where there are no buildings within 50m, the same setback is required for the predominant adjoining land use.	The proposal provides setbacks consistent with the prevailing setbacks of the street, and compliant with the Hurstville Development Control Plan.	Yes

	C14- On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	The proposal is compliant with Council's Controls for setbacks.	Yes
	C15- The built form of the development should contribute to the character of the local area, including how it:		
	<ul style="list-style-type: none"> ▪ respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage 	The scale and form of the proposed development is considered to respond to its physical context in terms of massing arrangement and scale. The building is a two storey structure and is well within the height and floor space development standards. The proposed centre will not be visibly bulky or intrusive when viewed from surrounding dwellings and Kingsgrove Road and Vivienne Street.	Yes
	<ul style="list-style-type: none"> ▪ contributes to the identity of the place 	The identity of the area is characterised by single detached dwellings of either a single or two storey forms. The proposed facility is permissible and compatible with the objectives of the Zone and does not detract from the identity of the locality.	Yes
	<ul style="list-style-type: none"> ▪ retains and reinforces existing built form and vegetation where significant 	The proposed child care provides for native vegetation as per the submitted Landscape Plan and provides a built form that is in keeping with the surrounding area. In addition, the application was referred to Council's internal Landscape Officer, who has deemed the landscaping as satisfactory, subject to conditions.	Yes

	<ul style="list-style-type: none"> considers heritage within the local neighbourhood including identified heritage items and conservation areas 	There are no heritage items affected by this proposal.	Yes
	<ul style="list-style-type: none"> responds to its natural environment including local landscape setting and climate 	The development is considered to be responsive to its environment in that it is appropriately orientated and designed to optimise sunlight penetration and protection of residential amenity.	Yes
	C16- Entry to the facility should be limited to one secure point which is:		
	<ul style="list-style-type: none"> located to allow ease of access, particularly for pedestrians directly accessible from the street where possible directly visible from the street frontage easily monitored through natural or camera surveillance not accessed through an outdoor play area. in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	The main entry to the centre based child care facility is from the Vivienne Street frontage and via the basement carpark which has lift access to the ground floor. The entrance allows ease of access for pedestrians, is visible from the public domain with no impact on Kingsgrove Road.	Yes
	C17- Accessible design can be achieved by:		
	<ul style="list-style-type: none"> providing accessibility to and within the building in accordance with all relevant legislation linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry providing a continuous path of travel to and within the building, including access 	<p>The proposal will satisfy accessibility criterion.</p> <p>It is further noted that the development, has one (1) accessible parking space, an accessible bathroom and lift access to all floors of the development is provided.</p> <p>Within the internal layout of</p>	Yes

	<p>between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</p> <ul style="list-style-type: none"> ▪ minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. <p>NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p>	the proposed basement is a pedestrian walkway, to access the lifts which lead to the ground and first floor of the proposed development.	
3.4 Landscaping	C18- Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:		
	<ul style="list-style-type: none"> ▪ reflecting and reinforcing the local context ▪ incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	The proposal includes appropriate planting to be provided on site which is not inconsistent with the residential dwellings.	Yes
	C21- Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:		
	<ul style="list-style-type: none"> ▪ appropriate site and building layout ▪ suitably locating pathways, windows and doors ▪ permanent screening and landscape design 	The proposed outdoor play area has been located towards the eastern and western portions of the site, which are away from adjacent dwellings and streets. The proposed indoor play areas are located away from Kingsgrove Road and	Yes

		Vivienne Street. Appropriate screening and privacy measures are implemented for play areas that are adjacent to Kingsgrove Road and Vivienne Street.	
	<p>C22 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> ▪ appropriate site and building layout ▪ suitable location of pathways, windows and doors ▪ landscape design and screening. 	The proposed facility will not result in overlooking of main internal living areas and private open spaces of adjoining allotments.	Yes
	<p>C23- A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p>		
	<ul style="list-style-type: none"> ▪ Provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). 	The development is appropriately separated from adjacent residential uses by a 1.8m acoustic fence that was recommended as part of the acoustic report and endorsed by Council's Health Officer and will be reinforced by a condition of consent.	Yes
	<p>C24- A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p>	An acoustic report prepared by Grey Australia has been submitted with the DA. Mitigation measures are proposed as detailed in the report and will ensure acoustic amenity of neighbours is not compromised.	Yes
	<ul style="list-style-type: none"> ▪ identify an appropriate noise level for a child care facility located in residential and other zones 	This was undertaken as part of the acoustic assessment. In addition, the application was referred to Council's	Yes

	<ul style="list-style-type: none"> ▪ determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use ▪ determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	Internal Health Officer, who has deemed the application satisfactory, subject to the imposition of conditions.	
3.6 Noise and air pollution	<p>C25 Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> ▪ creating physical separation between buildings and the noise source ▪ orienting the facility perpendicular to the noise source and where possible buffered by other uses ▪ using landscaping to reduce the perception of noise ▪ limiting the number and size of openings facing noise sources ▪ using double or acoustic glazing, acoustic louvres or enclosed balconies (winter gardens) ▪ using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits ▪ locating cot rooms, sleeping areas and play areas away from external noise sources. 	The submitted acoustic report considers the impact of road noise along with impacts of the proposal on neighbouring properties. Mitigation measures are recommended and have been incorporated into the design of the proposal through the imposition of conditions of consent.	Yes
	<p>C26- An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed</p>	The acoustic report considers the impact of road noise along with impacts of the proposal on neighbouring properties. Mitigation measures are recommended and have been incorporated into the design of the proposal.	Yes

	in any of the following locations:	Consent conditions will be imposed that reflect the recommendations outlined in this report.	
	C27- Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	<p>The proposed child care facility is located within an established residential low density zone where the proposed use is permissible.</p> <p>The proposed outdoor play area will be located away from Kingsgrove Road in order to avoid the potential impact of external sources of air pollution from the major road. In addition, an internal play area is provided to Kingsgrove Road part of the development.</p> <p>It is also noted acoustic fencing is proposed to the site.</p>	Yes
	C28- A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution.	This was not considered necessary for this application.	Yes
3.7 Hours of operation	C29- Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to	The childcare centre will open from 7am-6pm Monday to Friday, as such; it is confined to the core hours referenced.	Yes

<p>3.8 Traffic, parking and pedestrian circulation</p>	<p>non-residential land uses. C31 Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p>	<p>The parking proposed meets the rates prescribed by the Hurstville DCP.</p>	<p>Yes</p>
	<p>C33- A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised.</p> <ul style="list-style-type: none"> ▪ the amenity of the surrounding area will not be affected ▪ there will be no impacts on the safe operation of the surrounding road network 	<p>A Traffic and Parking Impact Assessment has been prepared by Greys Australia Consultants and is submitted with the DA. This report concludes that:</p> <ul style="list-style-type: none"> • <i>An additional trip generation of 38 vph is projected by the proposed development in the opening year (approximately one trip every two minutes) during the AM and PM peak hours. This number is considered non-consequential in terms of negatively impacting the surrounding road network.</i> • <i>No SIDRA intersection assessment was required as considered by Greys traffic engineer in his initial assessment of the development and due to trivial number of projected trip generation from the subject development which does not warrant SIDRA modelling at this stage.</i> • <i>Parking layout assessment was undertaken in accordance with Australian Standard 2890.1 the drop- off/pick-up zone and staff parking for the Child Care Centre.</i> • <i>The investigation of the public transport options revealed a reasonable level of train accessibility to the site. Given these factors, and the results of the high level intersection and mid-block analysis, it is clear that this</i> 	<p>Yes</p>

		<p><i>development is sustainable in transport terms, with acceptable impacts on the local transport network;</i></p> <ul style="list-style-type: none"> • <i>Appropriate drop-off/pick up spaces have been proposed next to the premises on Vivienne Street with convenient access to the centre for parents.</i> <p>The application is considered acceptable with respect to traffic movements.</p>	
	<p>C36- The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> ▪ separate pedestrian access from the car park to the facility 	<p>The principle access to the development is via Vivienne Street.</p>	Yes
	<ul style="list-style-type: none"> ▪ pedestrian paths that enable two prams to pass each other 	<p>Pedestrian paths will have suitable space to enable two prams to pass each other.</p>	Yes
	<ul style="list-style-type: none"> ▪ delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities 	<p>Delivery and loading areas will be undertaken outside main drop-off/pick up times, which are located separate to pedestrian access and onsite vehicle parking.</p> <p>A consent condition will be imposed requiring that all deliveries be undertaken outside of the peak times for the facility which would be between 7am-9am each weekday morning and between 3pm-5pm each weekday afternoon.</p>	Yes
	<ul style="list-style-type: none"> ▪ vehicles can enter and leave the site in a forward direction. 	<p>Vehicles are able to enter and leave the site in a forward direction, via the turning bay in the basement car park.</p>	Yes
	<p>C38 Car parking design should:</p>		

	<ul style="list-style-type: none"> ▪ include a child safe fence to separate car parking areas from the building entrance and play areas ▪ provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards 	<p>The proposed building entrance and play areas are adequately separated from the access to the basement car park. One accessible parking space is provided and will be reinforced by a condition of consent that it be clearly marked.</p>	<p>Yes</p>
--	--	--	------------

Deemed State Environmental Planning Policy – Georges River Catchment

12. The subject land is located within the Georges River Catchments and as such The Greater Metropolitan Regional Environmental Plan No 2 - Georges River applies to the application.

The Greater Metropolitan Regional Environmental Plan No 2 - Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

State Environmental Planning Policy No 55 - Remediation of land

13. Pursuant to Clause 7 of SEPP 55, the following shall be addressed:

* The site has a long history of being used as a residential premise.

With consideration to the above mentioned points there is no sufficient evidence to suggest that the land is contaminated, therefore a formal land contamination assessment was not considered to be necessary.

State Environmental Planning Policy No 64 - Advertising and Signage

14. The site proposes minimal details associated with signage on the submitted elevation plan and front fence plan - there is insufficient information and detail to undertake a full and proper assessment. In this regard separate approval will need to be obtained prior to any signage being erected.

Draft Environmental Planning Instruments

15. The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas;
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011;
- State Environmental Planning Policy No. 50 – Canal Estate Development;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997);
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property;

The proposal is not inconsistent with the provisions of this Draft Instrument.

Local Environmental Plan

16. The extent to which the proposal complies with the relevant standards of Hurstville Local Environmental Plan 2012 (HLEP, 2012) is outlined in the table below.

Applicable LEP Clause	Standards	Proposal	Complies
4.3 Height of Buildings	9m as identified on Height of Buildings Map	7.8m	Yes
4.4 Floor Space Ratio	0.60:1 as identified on Floor Space Ratio Map	0.51:1 The requirement for parking is eight (8) car parking spaces. The applicant has proposed fifteen (15) allowing for future growth and intensified traffic patterns. Based on merit, the total of fifteen (15) car parking spaces have not been included in the Floor Space Ratio calculation – only the proposed floor area.	Yes
6.1 Acid Sulfate Soils	The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The site is not located within an acid sulfate area.	Yes

Development Control Plans

Hurstville Development Control Plan No 1 - LGA Wide

17. The proposed development is subject to the provisions of the Hurstville Development Control Plan (HDCP, 2016). As outlined in the SEPP assessment table the proposal is generally consistent with the DCP provisions applicable to this form of development. However, the proposed application seeks a variation to two (2) controls within the DCP, these variations are addressed below.

Section 5.3 – PC5 (Size of Centres and Child Age Groups) – DS5.1 states that;

The maximum number of children to be accommodated in a child care centre within Residential zones are as follows:

- *R2 Low Density Residential: 40 children.
Design Solution (DS) 6.1 of the Hurstville DCP No. 1
Council will consider a variation to the controls under this Clause for Child Care Centres in the R2 zone where the site is located adjacent to a retail/commercial area or other non-residential zoning.*

The concerns raised in the submissions essentially relate to the number of child care places proposed and it exceeding the control which permits 40 children.

Section 4.15(3A)(b) of the Environmental Planning and Assessment Act 1979 specifies that the consent authority "is to be flexible in applying" the provisions of a DCP, and "allow reasonable alternate solutions that achieve the objects of those standards for dealing with that aspect of the development".

The objectives of the Design Solution relating to the number of children within a child care centre are to ensure the size of a centre and child age groups "are of a manageable size of overall number of children and minimise adverse impacts on the amenity of the surrounding residential areas", and "ensure that the number of spaces for under 2 year olds reflects the demographics of the local government area".

The potential impacts of the proposed child care centre primarily relate to traffic, parking and vehicle safety, acoustic impacts, and impacts associated with the proposed built form. The proposed development is accompanied by specialist reports in relation to traffic, parking, vehicle safety and acoustic impacts. The proposed development comfortably complies with the applicable building height control, and the external impacts of the building form and reasonable and appropriate.

Finally, the proposed child care centre includes places for seven (7) children in the 0 - 2 age bracket, representing an appropriate response to the demographics of the LGA which consists of families with children.

Notwithstanding the above, the application is compliant with the provisions of State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 with respect to the assessment criterion.

In the circumstances, the proposed child care centre achieves the objectives of the controls relating to the maximum number of children within a centre, and the variation to the total number of children is recommended to be supported as the proposal whilst not numerically compliant meets the objectives of the control.

Section 5.3 – PC6 (Building Form and Appearance) – DS6.1 states that;

For residential zones, the maximum height is:

- *R2 Low Density Residential: One (1) storey. A variation to this control will only be considered where the centre is located adjacent to commercial or other non-residential zonings and where the proposal complies with the building form objectives.*

Clause 4.3 of the Hurstville Local Environmental Plan (LEP) 2012 specifies a maximum building height of 9 metres. The building height control relates to all forms of permissible development on the land, including child care centres. The proposed building extends to a maximum height of approximately 7.8 metres measured to the top of the architectural roof feature.

The proposed development has been designed so as to not exceed the height controls of the HLEP. The proposal has respected the residential dwellings adjoining through the use of setbacks the location of the outdoor play areas and the openings

within the southern and western elevations being located and treated in a manner that preserves the amenity of the neighbouring allotments.

The proposed second storey creates an adequate play area (both indoor and outdoor) for the site, to accommodate for additional private open space and the additional storey reduces the bulk and scale of the development, with setbacks being fully compliant with the SEPP.

In that regard, Section 3.43 of the Environmental Planning and Assessment Act 1979 specifies that a provision of a DCP "*has no force or effect*" to the extent that it is inconsistent or incompatible with a provision of an environmental planning instrument (in this instance the Hurstville LEP 2012).

The single storey control for child care centres contained in the DCP is inconsistent with the 9m building height control in the LEP, as a result the height proposed is considered to be acceptable and the variation to the HDCP is recommended to be supported.

IMPACTS

Natural Environment

18. The proposal is supported by Council's Tree Management Officer, subject to compliance with the submitted plant schedule and replanting of an additional three (3) trees along Vivienne Street.

Built Environment

19. The proposed development will not result in any adverse impacts upon the built environment for reasons discussed throughout the report.

Social and Economic Impact

20. The proposed development will not result in any adverse social and/or economic impacts within the locality subject to compliance the conditions of consent.

Suitability of the Site

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

SUBMISSIONS AND THE PUBLIC INTEREST

22. The proposal was notified to adjoining neighbours on two (2) separate occasions for a period of fourteen (14) days during which time forty eight (48) submissions were received. The submissions raised the following issues.

Increase in Traffic due to drop off and pick up of children

It is acknowledged that additional vehicle movement will result from this development. The application exceeds the minimum parking for staff and clients of the childcare centre.

The application was accompanied by Traffic and Parking Assessment prepared by Grey Australia Consultants, which concludes that the potential increase in the number of vehicle movements in and about Kingsgrove Road and Vivienne Street will remain well within the Environmental capacity of these streets, with no adverse

impacts on the amenity of the area. This report was reviewed by Council's Traffic Engineer, who supports the contents of the report.

The DA has also been accompanied by a Motor Vehicle and Pedestrian Risk Assessment. The Assessment is prepared by specialist consultants with specific expertise in traffic and pedestrian safety related matters.

The Assessment notes that the access driveway, internal circulation and driveways are compliant with Table 2-2 of AS 2890.1-2004. Pedestrian access to the facility from the basement is provided via lift as well as stairs. Further, clear lines of sight are provided to pedestrians to ensure visibility between vehicles leaving the car park and pedestrians on Vivienne Street.

The Risk Assessment concludes that "*the proposed parking facilities satisfy the relevant requirements specified in Australian Standards and it is therefore concluded the proposed development will not have any unacceptable risks to pedestrians and motor vehicles accessing the premises*".

Adequacy of Parking Provision

23. Off-street car parking requirements are derived by the provisions of the Hurstville Development Control Plan (DCP) No.1.

The Assessment notes that the proposed development generates an off-street car parking requirement of eight (8) spaces, comprising five (5) spaces to service the drop-off of children, and three (3) spaces to service staff.

The proposed development makes provision for 14 off-street car parking spaces, comprising eight (8) spaces to the drop-off of children, and six (6) spaces to service staff. Accordingly, the proposed development provides six (6) spaces more than the DCP requirements.

The Traffic and Parking Assessment concludes that "*the proposed development will not have any unacceptable parking implications on the surrounding amenities*".

In the circumstances, the concerns raised in relation to the adequacy of the off-street car parking provision do not form adequate or appropriate grounds to refuse consent to the DA.

Location of Mechanical Exhaust

24. The concerns raised in relation to ventilation of the car park relate broadly to the concerns raised in relation to the inclusion of a basement level more generally. In that regard, the inclusion of a mechanically ventilated basement structure is not unusual in any urban context, and the ventilation of the car park (towards Vivienne Street) is considered entirely appropriate having regard to the absence of any immediate residential neighbours in that direction given the interface with a roadway.

Loss of Views

25. A site inspection revealed it is very difficult to identify how any substantial views will be lost as a consequence of the proposed development.

It is acknowledged that there will be built form in a location where there has not been given the existing structure on site is a single storey dwelling. However it is acknowledged that a two (2) storey residential development form could be

accommodated on this site in an envelope not inconsistent with the development form sought.

In any event, the proposed development remains comfortably below the building height control that applies to the site, circumstances in which any view loss would not constitute adequate or reasonable grounds for refusal of the DA.

Overshadowing

26. The adjoining property to the south accommodates a dwelling house on an allotment with an east-west orientation, with a series of window openings on the northern façade. Further, a series of solar panels occupy the north facing roof plane, and a carport and relatively large shed occupy the north-western portion of the property.

The DA is accompanied by shadow diagrams which depict the impacts of the proposed development in both plan and elevational form. The diagrams demonstrate there will be some additional overshadowing of the adjoining property during the mid-winter period, with the shadows substantially contained within the boundaries of the site during the equinox.

The elevational shadow diagrams demonstrate that a majority of the north facing windows will continue to receive solar access between 9am and midday during the mid-winter period. Further, the shadow will not affect the existing solar panels at any time during the year.

Part 4 of the Hurstville DCP provides objectives and controls for solar access for residential development, and the controls form an appropriate basis upon which to determine the reasonableness of the overshadowing impacts of the proposed development.

In that regard, Design Solution (DS) 6.1 specifies that development should allow *"for at least 3 hours of sunlight on the windows of main living areas and adjoining principal private open space of adjacent dwellings between 9.00am and 3.00pm on 22 June"*.

The adjoining dwelling to the south will continue to receive solar access to the north facing windows between 9am and midday. Accordingly, the proposed development satisfies the relevant solar access criterion, and the overshadowing impacts of the proposed development are considered reasonable and acceptable.

Acoustic Impacts

27. The DA is appropriately accompanied by an Acoustic Report. The Report is prepared by Greys Australia Pty Ltd.

The Report includes an assessment of the likely impacts resulting from parents arriving and departing and both indoor and outdoor activities associated with the proposed child care centre.

The Greys Report concludes that "Provided the noise controls as recommended in Section 8.0 of this report are fully implemented the noise emission levels will be controlled and not exceed the criteria outlined in this report".

The Applicant accepts the noise mitigation requirements as outlined in the recommendations of the Acoustic Report. This criterion will result in the noise generation by the childcare centre being within the acceptable limits. Acoustic

impacts of the proposed development do not form adequate or appropriate grounds to refuse consent to the DA.

Damage During Construction

28. A standard Condition of Consent requiring the preparation of a dilapidation report in respect of the adjoining properties and Council land will be imposed to ensure there is no damage during the construction period.

Adequacy of Boundary Setbacks

29. Design Standard (DS) 6.4 of the Hurstville DCP specifies:

A minimum front boundary setback of 5.5m - 9.0-9.5m to Kingsgrove Road is proposed.

A setback of 2m to the secondary frontage on a corner site - 3.0 - 3.5m to Vivienne Street is proposed.

A side boundary setback of 900mm – a side setback of 900m is provided to the south

A rear setback of 3m – a rear setback of 10m is provided to the west.

Council's Development Control Plan does not address a control for rear setbacks to the first floor for a child care and the assessment is taken on merit – a rear setback to the first floor of the proposed development is 13m to the west.

Fencing

30. An acoustic report prepared by Acoustic Noise and Vibration Solutions has been submitted with the DA. Mitigation measures are proposed as detailed in that report which is an attachment to this report and will ensure acoustic amenity of neighbours is not compromised. These measures include acoustic sound barrier fencing. The acoustic report was also reviewed by Council's Environmental Health Officers, who deemed the application satisfactory, subject to conditions.

Non-compliance of the DA with the Development Control Plan (DCP)

31. See Paragraph 17 – Development Control Plan, Hurstville Development Control Plan No 1 - LGA Wide.

Location of the child care centre, there are various facilities within walking distance.

32. The nearest child care to the proposed allotment is 700m away (Kids Oasis), which is located on Shaw Street, Kingsgrove. Followed by St George Montessori, Kingsgrove, which is located 1km away from the subject site.

There are no controls that nominate distances between child care centres.

Impact on pedestrian movement, particularly school children

33. No concerns have been raised by Council's Traffic Engineer in this regard. The peak drop-off and pick-up times associated with the child care centre will not coincide with those of the school, thus minimising pedestrian and safety risks. Further, the off-street parking provided exceeds that required for the site. Any potential impacts on pedestrian safety during construction of the development can be readily addressed by suitable conditions of consent in the event of approval.

Fatality on Vivienne Street (2012)

34. It is acknowledged there has been a fatality in this location. In this regard the development has been designed to address any conflicts between pedestrian and vehicle movements by locating the access driveway as far as possible from the Vivienne and Kingsgrove Road intersection to facilitate adequate sightlines to ameliorate pedestrian and vehicle conflict.

Width of Vivienne Street

35. The proposal provides an adequate width to Vivienne Street to facilitate access and egress from a basement without compromising the road network, and is supported by Council's Traffic Engineer.

Council Referrals**Environmental Health**

36. The proposal is supported by Council's Health Officer subject to standard conditions and a specific condition requiring compliance with all recommendations of the acoustic report.

Building and Compliance

37. The proposal is supported by Council's Building Officer, subject to standard conditions.

Waste Management

38. The proposal is supported by Council's Waste Management Officer, subject to standard conditions.

Tree Management

39. The proposal is supported by Council's Tree Management Officer, subject to compliance with the submitted plant schedule and replanting of an additional three (3) trees along Vivienne Street.

Traffic Engineer

40. The proposal is supported by Council's Traffic Engineer, subject to standard conditions.

Development Contributions

41. The development is subject of a Section 7.12 contribution (former Section 94A Contribution), under the provisions of the Georges River Council Section 94A Contributions Plan 2017. The below information, will form a part of the conditions of consent (if applicable);

Fee Type	Fee
Georges River Council Section 94A Development Contributions Plan 2017	\$7,370.00

CONCLUSION

42. The proposal seeks approval for a demolition of existing structures and the construction of a child care centre and a basement car park. The application was notified on two (2) separate occasions for a period of fourteen (14) days and forty eight (48) submissions were received. The proposed development generally complies with the planning controls and objectives within Hurstville Local Environmental Plan 2012 and Hurstville Development Control Plan.

In view of the above, the application is recommended for approval subject to conditions included in the report.

DETERMINATION AND STATEMENT OF REASONS

43. Statement of Reasons

- a) The proposed development is considered to be an appropriate scale and form for the allotment and is permissible within the zone.
- b) The proposed development will provide minimal impact upon the natural and built environment and the adjoining allotments.
- c) The proposal is compliant with respect to the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and proposes a compliant and acceptable form of development for the subject allotment and locality.

DETERMINATION

44. THAT pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979 (as amended), the Council approves development consent to Development Application No. DA2017/0487 for the proposed demolition of all structures, the construction of a two (2) storey 47 place child care centre including a basement car park, associated landscape works, fencing and play areas at Lot A, DP 340391 and known as 301 Kingsgrove Road, Kingsgrove, subject to the conditions below.

Section A - Development Details

1. **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:

Description	Reference No.	Date	Revision	Prepared by
Proposed site/roof plan	DA – 01	01.05.2018	B	Futuristic Design
Proposed ground floor plan	DA – 06	01.05.2018	B	Futuristic Design
Proposed first floor plan	DA – 07	01.05.2018	B	Futuristic Design
Proposed Front Fence and Elevation Plan	DA – 11	01.05.2018	B	Futuristic Design
Proposed Elevations and Section	DA – 08	01.05.2018	B	Futuristic Design
Proposed Landscape Plan	DA – 09	01.05.2018	B	Futuristic Design
Proposed Basement Plan	DA – 05	01.05.2018	B	Futuristic Design

Section B - Separate Approvals Required Under Other Legislation

2. **Building - Hoarding Application** - Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion

of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993:

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at www.georgesriver.nsw.gov.au) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

3. **Section 138 Roads Act 1993 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.

Separate approval is required 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) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (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 (eg Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve;
- (k) Stormwater and ancillary to public infrastructure on private land; and
- (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 Council's website www.georgesriver.nsw.gov.au. For further information, please contact Council's

Customer Service Centre on (02) 9330 6400.

Section C - Requirements of Concurrence, Integrated & Other Government Authorities

4. **Sydney Water - Tap in TM** - The approved plans must be submitted to a Sydney Water Tap in TM to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in TM agent has appropriately stamped the plans prior to the issue of the Construction Certificate.
5. **Notice of Requirements for a Section 73 Certificate** - A Notice of Requirements of what will eventually be required when issuing 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 Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, 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. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

Section D - Prior to the Issue of a Construction Certificate

6. **Fire Safety Measures** - 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 PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.
7. **Food Premises** - The following information shall be provided and shown on the Construction Certificate Plans:

(a) 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:

- i. Food Act 2003 (as amended)*
- ii. Food Regulation 2015 (as amended)*

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

8. **Fees to be paid** - 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 (available at www.georgesriver.nsw.gov.au).

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 7.11 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.

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 summary of the fees to be paid are listed below:

Fee Type	Fee
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$150.00
Georges River Council Section 94A Development Contributions Plan 2017	\$7,370.00

General Fees

The 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.

Development Contributions

The Section 7.11 contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

A Section 7.12 contribution has been levied on the subject development pursuant to the Georges River Council Section 94A Contributions Plan.

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Section 94 Development Contributions Plan.

Timing of Payment

The contribution must be paid and receipted by prior to any works commencing under the CDC, as required by clause 136L of the EP&A Regulation.

Further Information

A copy of the *all current Development Contributions Plans* may be inspected or a copy purchased at Council's offices (Georges River Civic Centre, MacMahon Street, Hurstville and Kogarah Library and Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.

9. **Damage Deposit - Minor Works** - In order to insure against damage to Council property

the following is required:

(a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$1,900.00**

(b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: **\$150.00**

(c) Submit to Council, before 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.

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.

10. **Site Management Plan** - A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

- (a) location of protective site fencing;
- (b) location of site storage areas/sheds/equipment;
- (c) location of building materials for construction, e.g. stockpiles
- (d) provisions for public safety;
- (e) dust control measures;
- (f) method used to provide site access location and materials used;
- (g) details of methods of disposal of demolition materials;
- (h) method used to provide protective measures for tree preservation;
- (i) provisions for temporary sanitary facilities;
- (j) location and size of waste containers/skip bins;
- (k) details of proposed sediment and erosion control measures;
- (l) method used to provide construction noise and vibration management;
- (m) construction and demolition 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 kept on site and is to be made available upon request.

11. **Erosion & Sedimentation Control** - Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & 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 prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

12. **Pre-Construction Dilapidation Report – Private Land** - A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

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

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA. Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

13. **Stormwater System** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

- (a) All stormwater shall drain by gravity to the upper level of Council's kerb inlet pit located at the corner of Vivienne Street and Kingsgrove Road in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

- (b) Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering 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.

14. **Stormwater Systems with Basement** - The underground basement car park must pump to and all other stormwater must drain by gravity to the upper level of Council's kerb inlet pit located at the corner of Vivienne Street and Kingsgrove Road

The design of the proposed drainage system must be prepared by a professional engineer who specialises in hydraulic engineering and be submitted for approval with the Construction Certificate application.

15. **Protection of basement from inundation of stormwater waters** - The construction of the building shall be designed to conform to the recommendations and conclusions of the Drainage Engineer in regards to the protection of the underground basement from possible inundation by surface waters.

Evidence from a professional engineer who specialises in hydraulic engineering that this design requirement has been adhered to shall be submitted with the Construction Certificate application.

16. **On Site Detention** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and 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,

(b) at Annual Recurrence Intervals of 2 years and 100 years.

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

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:

"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

Full details shall accompany the application for the Construction Certificate.

17. **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.

Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

18. **Stormwater Drainage Plan Details** - Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines.

19. **Driveway Construction Plan Details** - Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

(a) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.

(b) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).

(c) The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 2.7m wide pavement/kerb face to kerb face width, and a non-slip surface.

20. **Council Property Shoring** - Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

21. **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).

22. **Construction Traffic Management Plan** - A Construction Traffic Management Plan detailing:

- (a) construction vehicle routes;
- (b) anticipated number of trucks per day;
- (c) hours of construction;
- (d) Access arrangements; and
- (e) Proposed traffic measures to minimise impacts of construction vehicles

must be submitted for the approval of Council's Engineers. Council's Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate.

23. **Compliance with submitted Acoustic Report** - The Construction Certificate plans shall demonstrate compliance with the Acoustic Report submitted and approved by Council, titled *Acoustic Report for proposed childcare Centre – No.301 Kingsgrove Road, Kingsgrove*, Reference No.2017-515, prepared by Acoustic Noise & Vibration Solutions P/L and dated 29 September 2017.

24. **Food Premises** - The following information shall be provided and shown on the Construction Certificate Plans

(a) **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:

- i. [Food Act 2003](#) (as amended)
- ii. [Food Regulation 2015](#) (as amended)
- iii. Food Standards Code as published by Food Standards Australia
- iv. New Zealand and Australian Standard AS4674:2004 Design, Construction and
- v. fit out of food premises (as amended)
- vi. Sydney Water – trade Waste Section.

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

(b) **Waste Facility**

Details of the construction and fit out of the waste facility of the food premises must be submitted to Council's Waste Services Team for approval. Such details must demonstrate compliance with the [Food Act 2003](#) (as amended), [Food Regulation 20105](#) (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:

- i. provided with a hose tap connected to the water supply;
- ii. paved with impervious floor materials;
- iii. coved at the intersection of the floor and the walls;
- iv. graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- v. 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](#);
- vi. Must be large enough to accommodate the bins required.

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.

25. **Health – Hand wash basins** - A hands free operated hand wash basin must be provided within the kitchen and milk prep room 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 each hand wash basin.

26. **Engineer's Certificate** - A certificate from a professional structural engineering 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.

27. Access and sanitary facilities for persons with disabilities must be provided to the Premises 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.
28. **Site Management Plan** - A Site Management 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.

A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

- (a) location of protective site fencing;
- (b) location of site storage areas/sheds/equipment;
- (c) location of building materials for construction, e.g. stockpiles
- (d) provisions for public safety;
- (e) dust control measures;
- (f) method used to provide site access location and materials used;
- (g) details of methods of disposal of demolition materials;
- (h) method used to provide protective measures for tree preservation;
- (i) provisions for temporary sanitary facilities;
- (j) location and size of waste containers/skip bins;
- (k) details of proposed sediment and erosion control measures;
- (l) method used to provide construction noise and vibration management;
- (m) construction and demolition 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 kept on site and is to be made available upon request.

29. **Erosion & Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
 - (a) Compliance with the approved Erosion & 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 runoff 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 prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

30. **Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).
31. **Landscape Plans** - All landscape works shall be carried out in accordance with the approved landscape plans and specifications, drawn by Futuristic Design, reference numbers – DA- 09/ Rev C. The landscaping shall be maintained in accordance with the approved plans in perpetuity, subject to the following –

a) An additional Australian native tree shall be planted within the property, fronting Kingsgrove Road. This tree is in addition to the four (4) *Elaeocarpus reticulatus*. The additional tree shall be able to reach a height at maturity of nine (9) metres and be of species within Hurstville DCP – “5. Recommended species for landscaping”

32. Tree Removal & Replacement

Tree removal - Permission is granted for the removal of the following trees:

Tree Species	Number of trees	Location
<i>Archontophoenix cunninghamiana</i>	2	Front yard, fronting Kingsgrove Road
<i>Melaleuca quinquenervia</i>	1	Councils street tree within Vivienne Street
Council shall be appointed to remove and plant all tree/s on public land		

General Tree Removal Requirements

(a) All tree removal shall be carried out by a minimum certificate Level 3, Licenced and insured Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - *Pruning of Amenity Trees* and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).

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

Street Tree Removal / Replacement by Council –

(a) Three (3) street trees of species to be determined shall be provided in the road reserve fronting the site, within Vivienne Street.

(b) Council shall be appointed to remove and plant all tree/s on public land. All costs associated with the removal of the tree/s and the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the table below are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment.

Fee Type – Tree removal on public land	Amount
Administration Fee for Tree Removal x 1	\$154.50

Replacement Tree Fee (per Tree) x 3	\$185.40
Cost of tree removal x 1	To be determined
Cost of Stump Grinding x 1	To be determined

A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy and Masterplan, can be downloaded from Council's website www.georgesriver.nsw.gov.au.

Section E - Prior to the Commencement of Work (Including Demolition and Excavation)

33. **Dial Before You Dig** - Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
34. **Demolition & Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & 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 PCA 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 & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015)

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

35. **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 Council advising of the demolition date, details of the SafeWork 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.

Section F - During Construction

36. **Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
37. **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 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.
38. **Site sign - Soil & Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by 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.
39. **Hours of construction for demolition and building 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 is permitted on Sundays, or Public Holidays.

Note: A penalty infringement notice may be issued for any offence.

Section G - Prior to the Issue of the Occupation Certificate

40. **Acoustic Compliance** - Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled *Acoustic Report for proposed childcare Centre – No.301 Kingsgrove Road, Kingsgrove*, Reference No.2017-515, prepared by Acoustic Noise and Vibration Solutions Pty Ltd and dated 29 September 2017.

41. **Acoustic Compliance – General Operation of Premises** - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the [NSW Environment Protection Authority's "NSW industrial Noise Policy"](#).

Certification must be submitted to the PCA prior to the issue of any Occupation Certificate.

42. **Food Premises - Inspection & 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 its business details with Georges River Council as required under section 100 of the Food Act 2003.

43. **Restriction to User and Positive Covenant for On-Site Detention Facility** - A Restriction on Use of the Land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owners of the land. The terms of the instrument are to be in accordance with Council's standard terms and restrictions which are as follows;

Restrictions on Use of Land

The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of Georges River Council. The expression "on-site stormwater management system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as "the system."

Name of Authority having the power to release, vary or modify the Restriction referred to is Georges River Council."

Positive Covenants

1. *The registered proprietor of the lot(s) hereby burdened will in respect of the system:*
 - a) *keep the system clean and free from silt, rubbish and debris*
 - b) *maintain and repair at the sole expense of the registered proprietors the whole of the system so that it functions in a safe and efficient manner*

- c) permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant*
- d) comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.*

2. Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:

a) in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above

b) the Council may recover from the registered proprietor in a Court of competent jurisdiction:

i. any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.

ii. legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.

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

45. **Works as Executed and Certification of Stormwater works** - Prior to the issue of an Occupation Certificate, the PCA 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 PCA and Council, from a professional engineer specialising in hydraulic engineering.

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 PCA.

The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and 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).

46. **Splay Dedication** - The applicant shall dedicate to Council a 3m x 3m splay to the corner of Vivienne Street and Kingsgrove Road for the purposes of road widening. This splay shall be dedicated as road widening on a plan of subdivision prepared by a Registered Surveyor and submitted to Council with an application for a Subdivision Certificate.

Any existing or new fencing shall be adjusted to the new splay alignment and the new splay area must be restored with turf.

This Plan shall be registered at the NSW Land and Property Information prior to the issue of a final occupation certificate.

47. **Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the 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.

(f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

48. **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 0.9m wide footpath for the full length of the frontage of the site in Vivienne Street in accordance with Council's Specifications for footpaths.

(b) Construct the vehicular crossing 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 applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

A private contractor shall carry out the above work, at the expense of the applicant 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.

49. **Completion of Major Works** - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

- (a) Stormwater pipes, pits and connections to public stormwater systems within the road related area;
- (b) Driveways and vehicular crossings within the road related area;
- (c) Removal of redundant driveways and vehicular crossings;
- (d) New footpaths within the road related area;
- (e) Relocation of existing power/light pole
- (f) Relocation/provision of street signs
- (g) New or replacement street trees;
- (h) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
- (i) New or reinstated kerb and guttering within the road related area; and
- (j) New or reinstated road surface pavement within the road.

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

50. **Traffic Control Devices** - The internal road network, pedestrian facilities and parking facilities (including visitor parking and employee parking) shall be designated and line marked in accordance with Australian Standard - AS1742, Manual of Uniform Traffic Control Devices.

If an exit from car park utilises a pedestrian footpath, then a warning system such as flashing light and/or 'alarm sound' must be installed on the subject property to alert pedestrians of vehicles exiting the car park. The Alarm System must be designed and installed in accordance with AS2890.1 -2004.

51. **Dilapidation Report on Public Land for Major Development Only** - Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site including:

- (a) Footpath, kerb and gutter and road pavement in Vivienne Street
- (b) Footpath, kerb and gutter and road pavement in Kingsgrove Road

The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

- (a) Photographs showing the condition of the road pavement fronting the site
- (b) Photographs showing the condition of the kerb and gutter fronting the site
- (c) Photographs showing the condition of the footway including footpath pavement fronting the site
- (d) Photographs showing the condition of retaining walls within the footway or road

(e) The full name and signature of the professional engineer.

The report must be provided to the PCA and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether or not to refund the damage deposit.

Council's Engineering Services Division must advise in writing that the works have been completed to their satisfaction prior to the issue of an Occupation Certificate.

52. **Stormwater drainage works – Works As Executed** - Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;

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

Section H - Operational Conditions (Ongoing)

53. **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).
54. **Maintenance of Sound Attenuation** - Sound attenuation must be maintained in accordance with the DA Acoustic Report titled *Acoustic Report for proposed childcare Centre – No.301 Kingsgrove Road, Kingsgrove*, Reference No.2017-515, prepared by Acoustic Noise & Vibration Solutions Pty Ltd and dated 29 September 2017.
55. **Final Acoustic Report – Verification of Noise report** - Within three months from the issue of an Occupation Certificate, an acoustic assessment is to be carried out by an appropriately qualified acoustic consultant, 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 DA Acoustic Report titled *Acoustic Report for proposed childcare Centre – No.301 Kingsgrove Road, Kingsgrove*, Reference No.2017-515, prepared by Acoustic Noise & Vibration Solutions Pty Ltd and dated 29 September 2017 are effective in attenuating noise to an acceptable noise level and that the use is not calculated to give rise to 'offensive noise' as defined under the provision of the [Protection of the Environment Operation Act 1997](#) (as amended).
56. **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 or glare.

Flashing, moving or intermittent lights or signs are prohibited.

57. **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.
58. **Activities and storage of goods outside building** - There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.
59. **Food Premises – Adequate waste receptacles** - Appropriate waste and recycling containers must be provided for waste generation rates of 0.3 to 0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals. All waste and recycling containers shall be stored in the approved waste storage area that is large enough to store the required number of bins and must be adequately serviced by waste collection vehicles.
60. **Food premises – maintenance of food premises** - The food premises must be maintained in accordance with the [Food Act 2003](#) (as amended), [Food Regulation 2015](#) (as amended); the Food Standards Code as published by Food Standards Australia & New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises (as amended)*.
61. **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).
62. **Hours of operation** - The approved hours of operation shall be restricted to the following:
 - Monday to Friday inclusive from 7:30am to 6:00pm. No trade on Saturdays, Sundays and Public Holidays.
63. **Number of staff** - The maximum number of staff permitted on the premise is six (6).

Section I - Prescribed Conditions

64. **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.
65. **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.

66. **Clause 98D – Erection of sign for maximum number of persons** - This prescribed condition applies to entertainment venues, function centres, pubs, registered clubs and restaurants. This condition requires the erection of a sign which states the maximum number of persons (as specified in the consent) that are permitted in the building.
67. **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.

Section J - Operational Requirements

68. **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.

69. **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.

70. **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.

71. **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.

72. **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.
73. **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.

74. **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.

END CONDITIONS

NOTES/ADVICES

75. **Review of Determination** - Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

76. **Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
77. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended
78. **Food Premises** - Information on Australian Standards can be obtained from www.standards.com.au. Guidelines and Food Safety Standards may be obtained by contacting the Food Standards Australia New Zealand Authority at foodstandards.gov.au or the NSW Food Authority on 1300 552 406, email: contact@foodauthority.nsw.gov.au or by visiting the website www.foodauthority.nsw.gov.au

Notification of Food Business under Section 100 of the [Food Act 2003](#) requires the proprietor of a food business to give written notice, in the approved form, before conducting a food business. Penalties apply for failure to comply.

79. **Noise** - 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>) published 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:

- (a) Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
 - (b) Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).
 - (c) 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).
 - (d) Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au/index.php).
 - (e) Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).
 - (f) Department of Gaming and Racing - (www.dgr.nsw.gov.au).
80. **Acoustic Engineer Contacts & Reference Material** - Further information including lists of Acoustic Engineers can be obtained from:
- (a) Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au)
 - (b) Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au)
 - (c) NSW Industrial Noise Policy – Office of Environment & Heritage (www.environment.nsw.gov.au)

ATTACHMENTS

- Attachment 1 Elevations and Sections - 301 Kingsgrove Road Kingsgrove
- Attachment 2 Front Fence Elevation and Setback Details - 301 Kingsgrove Road Kingsgrove
- Attachment 3 Ground Floor Plan - 301 Kingsgrove Road Kingsgrove
- Attachment 4 First Floor Plan - 301 Kingsgrove Road Kingsgrove
- Attachment 5 Basement - 301 Kingsgrove Road Kingsgrove