

**DA NO:** DA-2021/318

**ADDRESS:** 1-5 VIEW STREET, CHATSWOOD NSW 2067

**PROPOSAL:** CHANGE OF USE TO CHILDCARE CENTRE AND ASSOCIATED INTERNAL AND EXTERNAL ALTERATIONS - HILLSONG EARLY LEARNING CENTRE.

**RECOMMENDATION:** APPROVAL

**ATTACHMENTS:**

1. SITE DESCRIPTION AND AERIAL PHOTO
2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS
3. SUBMISSIONS TABLE
4. SECTION 4.15 (79C) ASSESSMENT
5. SEPP (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017 AND CHILD CARE PLANNING GUIDELINE ASSESSMENT
6. SCHEDULE OF CONDITIONS
7. NOTIFICATION MAP

**RESPONSIBLE OFFICER:** RITU SHANKAR - TEAM LEADER

**AUTHOR:** PETER WELLS – CONSULTANT PLANNER

**REPORT DATE:** 19 JULY 2022

**MEETING DATE:** 26 JULY 2022

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## **1. PURPOSE OF REPORT**

The purpose of this report is to seek determination by Willoughby Local Planning Panel (WLPP) of Development Application DA-2021/318 for change of use to childcare centre and associated internal and external alterations - Hillsong Early Learning Centre, at 1-5 View Street, CHATSWOOD.

The application is required to be referred to the WLPP for determination because 10 or more unique submissions have been received.

## **2. OFFICER'S RECOMMENDATION**

**THAT the Willoughby Local Planning Panel:**

**2.1 Approve Development Application DA-2021/318 for change of use to childcare centre and associated internal and external alterations - hillsong early learning centre at 1-5 View Street, CHATSWOOD NSW 2067, subject to conditions contained in Attachment 6, for the following reasons:**

- 2.1.1 The proposal provides a suitable and practical space for education and early learning.**
- 2.1.2 The proposal satisfies the zone objectives and does not cause detrimental impacts on surrounding properties, including traffic impacts.**
- 2.1.3 The proposal satisfies the Education and Care Services National Regulations, SEPP (Educational Establishments and Child Care Facilities) 2017 and the Child Care Planning Guideline.**
- 2.1.4 The proposal is in the public interest.**

### 3. BACKGROUND

The site is located on the western side of Pacific Highway, between View Street and View Lane.

The site was previously occupied by an International Chinese School which has since vacated the site. St Paul's Church is still in operation on the site.

On 29 March 2022 Council issued the applicant a letter seeking further information regarding traffic, vehicle access and parking, stormwater management, acoustic barriers, proximity to wireless Mobile Network, air conditioning and plan of management, access and soil assessment.

The applicant submitted the required information, including an Electromagnetic Report for assessment on 16 June 2022.

A description of the site and surrounding area, including an aerial photograph is contained in **Attachment 1**.

### 4. DISCUSSION

The proposal seeks the following:

- Demolition of existing car spaces, resulting in reduction from 49 spaces to 41.
- Part change of use to centre-based child care facility.
  - To accommodate a total of 55 children (8 children 0-2 years, 20 children 2-3 years, 27 children 3-5 years) and up to 15 staff;
  - To operate between the hours of 7.00am and 6.00pm Monday to Friday (50 weeks), no weekends or public holidays.
- Internal and external alterations to the cottage, the undercroft and the Church Hall.
- Construction of new raised outdoor play area on part of the existing car park.
- Modifications to the existing hardstand car parking, ancillary works including new fences, security gates, ramps and pedestrian pathways.
- Landscaping works.

More specifically the application seeks the following:

Demolition	<ul style="list-style-type: none"> <li>• Demolition of existing internal walls, doors and openings</li> <li>• Removal of existing balustrades</li> <li>• Removal existing flooring, doors and windows</li> <li>• Removal of existing car spaces</li> </ul>
Internal layout	<ul style="list-style-type: none"> <li>• Cottage Playroom 1 (0 – 2 years)</li> <li>• Cottage Playroom 2 (2 - 3 years)</li> <li>• Undercroft Playroom 3 Pre-school (3 – 5 years)</li> <li>• Toy storage</li> <li>• Bathrooms (2 x staff bathrooms, 2 x children bathrooms, 1 x accessible bathroom)</li> <li>• Kitchen</li> <li>• Bottle preparation area</li> <li>• Staff room</li> <li>• Reception / Admin</li> <li>• Director's office</li> </ul>

	<ul style="list-style-type: none"><li>• Lobby</li><li>• Laundry</li><li>• Cot room</li><li>• Nappy change</li><li>• Storage areas</li></ul>
Enteral layout	<ul style="list-style-type: none"><li>• Cottage outdoor play area (0 - 3 years) which is a new raised deck (FFL RL 106.67) including new shade structure</li><li>• Undercroft outdoor play area (3 – 5 years (including shade sail</li><li>• Reconfigured car park to reduce car space from 49 to 41.</li></ul>

The controls and development statistics that apply to the subject land are provided in **Attachment 2**.

A table of the issues raised in the submissions objecting to the proposal and the assessing officer's response is contained in **Attachment 3**.

A detailed assessment under SEPP (Educational Establishments and Child Care Facilities) 2017 and the Child Care Planning Guideline is provided in **Attachment 5**.

The **plans** used for this assessment can be found in a file named **WLPP Plans** under the DA tracking functionality for this application on Council's website:

<https://eplanning.willoughby.nsw.gov.au/pages/xc.track/SearchApplication.aspx?id=514346>

## **5. CONCLUSION**

The Development Application DA-2021/318 has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012*, *WDCP*, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in **Attachment 6**.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO



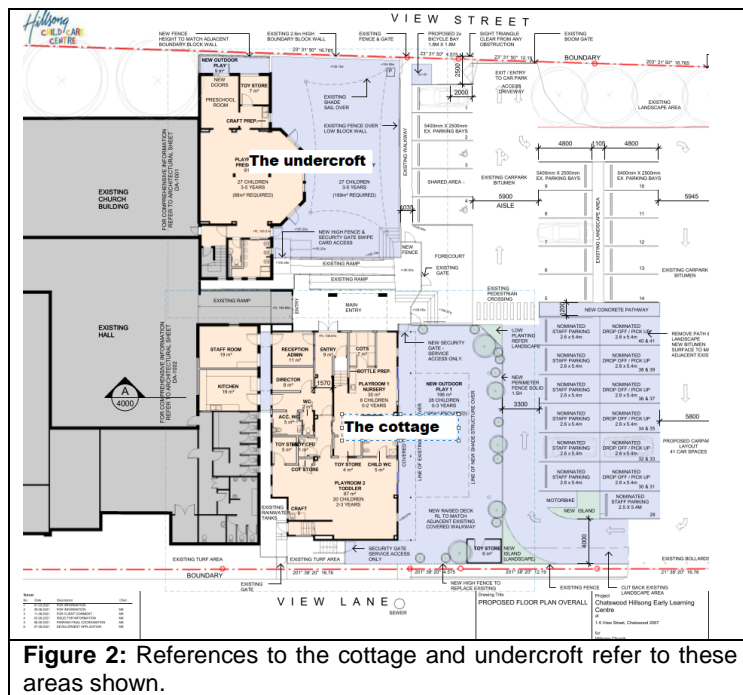
**Figure 1:** The site (1-5 View Street Chatswood) is circled in yellow.

The site (1-5 View Street) is comprised of the following lots:

- Lot 1 DP 928041 (208.4m<sup>2</sup>)
- Lot 1 928773 (552.4m<sup>2</sup>)
- Lot 11 DP 3435 (751.6m<sup>2</sup>)
- Lot 13 DP 3435 (770.2m<sup>2</sup>)
- Lot 14 DP 3435 (765.11m<sup>2</sup>)
- Lot 15 DP 3435 (834.66m<sup>2</sup>)

The site contains St Paul's Anglican Church and a 2-storey building formerly occupied by an International Chinese School) a hardstand car park and perimeter landscaping. The site area is 3,882.37m<sup>2</sup>.

References are made in the submission to "the cottage" and "the undercroft", which relate to the areas shown below.



**ATTACHMENT 2: CONTROLS & DEVELOPMENT STATISTICS AND REFERRALS**

<b>Willoughby Local Environmental Plan 2012 Zoning:</b>	R3 Medium Density Residential
Existing Use Rights	No
Additional Permitted Use	No
Conservation area	No
Aboriginal Heritage	No
Heritage Item	No
Vicinity of Heritage Item	No
Natural Heritage Register	No
Bushfire Prone Area	No
Foreshore Protection Area	No
Flood related planning control	No
Adjacent to classified road	No
Road/lane widening	No
BASIX SEPP	No
Infrastructure SEPP - Rail	No
Infrastructure SEPP – Road	Yes
Coastal Management SEPP	No
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	No
Contaminated Land	No
Adjacent / above Metro	No
Other relevant SEPPS and legislation	Education and Care Services National Regulations, SEPP 55 Remediation of Land, SEPP Educational Establishments and Child Care Facilities 2017, Child Care Planning Guideline
Other relevant REPS	Sydney Regional Environmental Plan (Sydney Regional Harbour catchment)
Relevant policies and resolutions	WDGP

<b>Site Area (m<sup>2</sup>)</b> 3,882.37m <sup>2</sup>					
Clause	Control	Proposed by applicant	Calc. by Council	Standard	Numerical Compliance
Cl.4.3	Height (m)	No change	-	12m	-
Cl.4.4 & Cl. 4.4A	GFA (m <sup>2</sup> )	1,492m <sup>2</sup>	1,492m <sup>2</sup>	3,494.13m <sup>2</sup>	Yes
	FSR	0.38:1	0.38:1	0.9:1	
5.21 Flood Planning	<ul style="list-style-type: none"> <li>Not adversely affect flood behaviour</li> <li>Not</li> </ul>	Details provided		-	Yes

	adversely affect the safe occupation and efficient evacuation of people				
<b>6.1 Acid Sulfate Soils</b>	Class 5				Yes
<b>Part</b>	<b>Control</b>	<b>Proposed by applicant</b>	<b>Calc. by Council</b>	<b>Standard</b>	<b>Numerical Compliance</b>
<b>G.8 Child Care Services</b>	<b>Centre-based Child Care</b>	Report provided		<ul style="list-style-type: none"> <li>Encourage provision of child care services</li> <li>Ensure quality child care facilities in terms of safety and design standards. Minimise impacts</li> </ul>	Yes
	<b>Site Suitability</b>	Reports provided		Based on consideration of any environmental health hazard or risk relevant to the site and/or existing buildings within the site or in the surrounding area	Yes
	<b>Electro-magnetic Fields</b>	Report provided		Assessed as satisfactory by Council's Environmental Health Officer	Yes
	<b>Noise</b>	Report provided		Assessed as satisfactory by Council's Environmental Health Officer	Yes
	<b>General</b>	Provision for children under 2 years old.		Provided and acceptable	Yes
	<b>Location</b>	Located at ground level and compatible with surroundings		Provided and acceptable	Yes
	<b>Indoor areas</b>	Various requirements		Each playroom has adequate storeroom size Windows provided for increased solar access Mechanical ventilation provided Complies with Childcare planning Guideline	Yes
	<b>Outdoor areas</b>	Various requirements		Complies with Childcare planning Guideline	Yes



	<b>Planting and landscaping</b>	Planting incorporated into proposal		Yes
	<b>Emergency Evacuation</b>	Applicant has committed to providing Emergency Evacuation Plan prior to Construction Certificate	Condition of consent	Yes
	<b>Hours of operation</b>	Monday to Friday 7.00am – 6.00pm  No weekends of public holidays	Shall not extend outside core period of 7.00am to 7.00pm unless written justification provided and approved	Yes

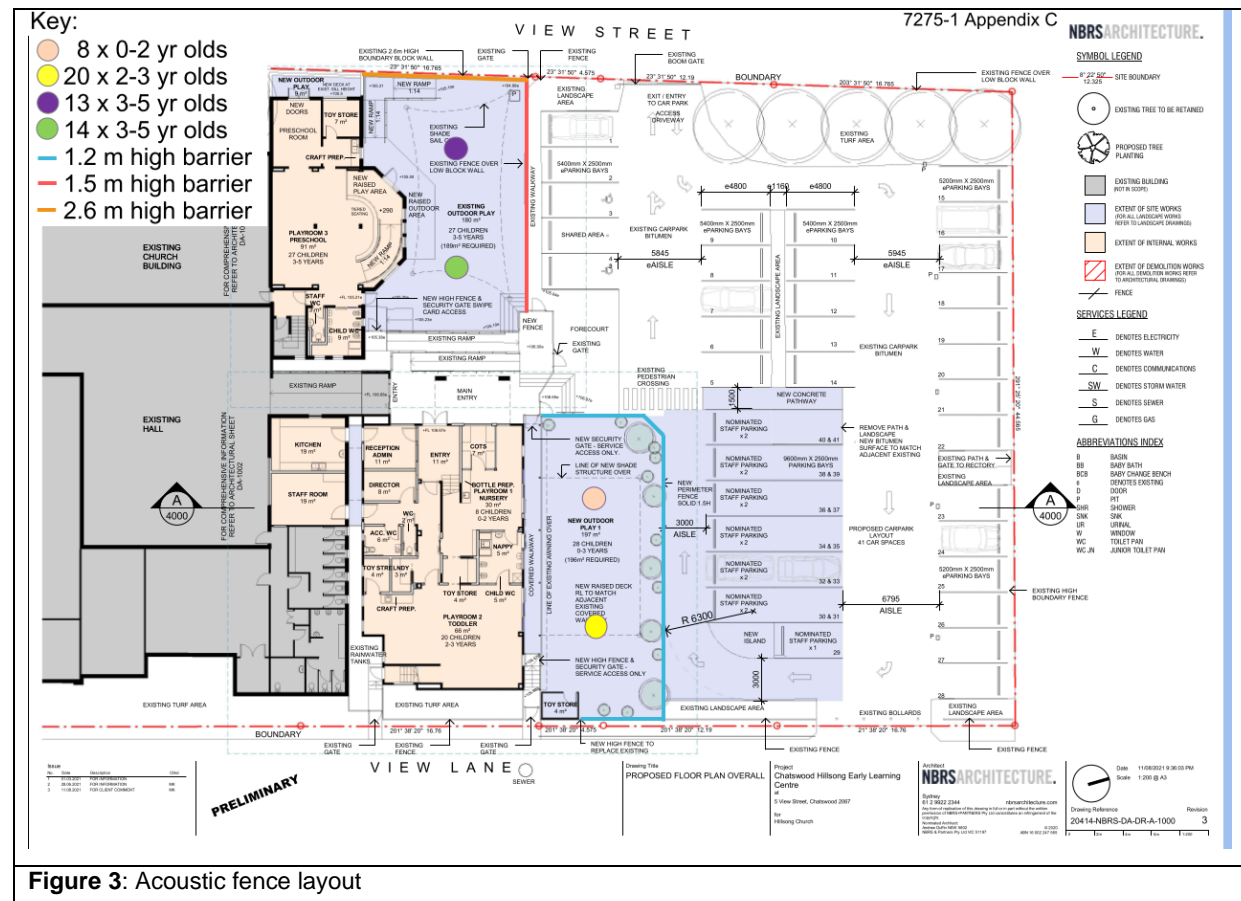
## Acoustic Report

An acoustic report was provided Day Design (Ref: 7275-1.1R, dated 12 August 2021) and makes its assessment of potential impact on nearby residential dwellings, as well as the suitability of the site for a childcare centre based on its proximity to noise sources such as traffic.

The Acoustic Report indicates compliance with acoustic requirements subject to fencing to outdoor play areas be:

- 1.2m high barrier along the western, northern and eastern sides of the ground floor outdoor play area (OPA1)
- 1.5m high barrier along the northern side of the ground floor outdoor play area (OPA2)
- 2.6m high barrier along the eastern side of the ground floor outdoor play area (OPA2)

The barrier is to be constructed of palisade fencing with clear polycarbonate sheeting. There is an existing western boundary fence 2.6m high on the western boundary with View Street, which is being retained. The proposed fencing does not unreasonably affect the streetscape and is considered a satisfactory solution to achieve acoustic compliance.



**Figure 3: Acoustic fence layout**



## **Traffic and Parking**

Two Traffic reports have been prepared:

- (i) Traffic Impact Assessment (Ref: 20462), dated 7 September 2021 prepared by TTPP Transport Planning, and
- (ii) Addendum to Traffic Impact Assessment (Ref: 20462) dated 14 April 2022 by TTPP Transport Planning.

The proposal reduces the number of car spaces from 49 (existing) to 41 spaces where 6 spaces are in tandem. Wheel stops prevent exit movements via the southern aisle. The tandem spaces are proposed to be marked "staff only".

The Church has seating capacity for 250 people. Part C.4.2 WDCP - Car Parking Requirements requires 1 space / 10 seats, therefore 25 spaces.

The traffic report identifies that 4 existing spaces for the Church (located west of the Church and separate from the main carpark) which adequately caters for Church staff. It also identifies that "the International Nepal Fellowship may be vacating when the childcare centre is in operation". There is no additional information provided on the Nepal Fellowship but its website says it is open 9am to 5pm week days and welcomes impromptu visits to "say hello". There are 6 staff identified on the website, but this is presumably nationwide.

The following requirements versus provision is advised:

### Willoughby DCP

Yield		DCP Parking Rate (drop off / pick up)	Proposed Parking Provisions (rounded down)	Proposed provision	Compliant?
Children	55	1 space per 10 children	5	41	Yes
Staff	15	1 space per 2 staff	7		
<b>Total</b>	70	-	12	41	Yes

The above yield (demand) figures are taken from Part C.4.3.F of WDCP.

The 6 spaces located on the southern side of the tandem arrangement (ie "parked in" spaces) are to be occupied by staff members who arrive before and depart after others. The seventh staff car space (space number 29 on the plans) is not in tandem.

The applicant advises there are six (6) St Paul staff and volunteers working at the Sunday service, and therefore the tandem parking arrangement also functions satisfactorily on Sunday as the six staff members and volunteers arrive prior to guests arriving and leave after guests depart.

In addition, 2 x bicycle space are required (provided adjacent to car park entry) and 1 x motorbike space is required (provided with the main carpark adjoining car space numbered 30).

### TfNSW requirements

1 space for every 4 children in attendance, therefore 14 spaces required. The traffic report identified that in 2015 TfNSW undertook traffic surveys of 14 childcare centres "to compare the survey results with the data outlined in the Guide". The traffic report advises that the following average rates were identified:

Centres with 20 to 35 children – 1 space per 4 children.

Centres with 40 to 65 children – 1 space per 5 children.

Centres with 70 to 100 children – 1 space per 6 children.

On this basis 1 space per 5 children would be required, therefore 11 spaces, which the proposal satisfies.

The traffic report identifies that the BCA requires 2 accessible spaces, which are provided (see spaces numbered 3 and 4 on the drawings) which complies.

With respect to potential for clashes of uses on the site, the applicant describes a peak period (ie worst case scenario) for the week.

This scenario is Monday to Friday 7.30am to 6pm there are 15 persons on the site for the child care use occupying 7 spaces on the basis of 1 space per 2 staff, and 40 participants for a line dancing class at the church 9.30am to 1.30pm on Thursdays utilising 15 spaces. Therefore, a total of 22 spaces is required and is satisfied by the proposed carpark.

With regards to dimensions of spaces, the applicant argues that any spaces that are 5.2m long in lieu of the current requirement of 5.4m retain their functionality and were approved at a lesser dimension years earlier.

The parking provision (including the tandem arrangement) is considered to be satisfactory on the basis that the “parked in” spaces are to be used by staff. The tandem spaces are utilised by Child Care staff during the week and Church staff on Sundays. The tandem spaces function effectively on the condition that staff members arrive prior to guests arriving and depart after guests depart.

For any mid-week activities utilising the Church building, staff parking can be served by the separate carpark at the front of the site (4 spaces).

In terms of provision the traffic report confirms that adequate provision is achieved. Conditions are imposed to ensure that the spaces are marked appropriately.

### **Developer’s Contribution Plans:**

<b>S7.11/7.12 Section 94A contribution:</b>	Yes
a. Applicable rate (%):	<b>1% (outside Chatswood CBD)</b>
b. The cost of development (Part A CI 25J) (\$)	<b>\$747,549.46</b>
c. Date of accepted cost of development:	<b>29.10.2021</b>
d. The total contribution payable (\$)	<b>\$7,475.50</b>

### **Internal Referrals**

Building services	No objections subject to conditions.
Engineering	<p>Council’s Engineers have reviewed the revised information provided for the above application with regards elements relevant to development engineering.</p> <p>While Council’s Engineers are satisfied that the parking layout complies with the requirements of the Australian Standard, we do not support the proposed tandem parking arrangement, given the parking area is shared by the Church and the School. While tandem parking will be suitable for staff use during the week, the provision of tandem parking will be difficult to manage during Church use on weekends, and this will potentially reduce the</p>

	<p>number of parking spaces available, as it is possible that only ½ of the tandem spaces can be used.</p> <p>The site contains an existing OSD system. The proposed works are clear of the system. However, we have conditioned that an engineer is to certify that the impervious area draining to the system is maintained.</p> <p>While Council's Engineers do not support the proposed tandem parking spaces due to the possible reduction in parking available on weekends, we leave the final decision to the planners. As such, should you approve the application, the conditions below should be imposed.</p>
Traffic	I have no further traffic & transport concerns, subject to TfNSW agreeing with the responses provided by applicant addressing TfNSW's concerns.
Environmental Health	No objections subject to conditions.
Community Life	<p>A review of the application was conducted by Community Life staff. Overall the proposal is compliant with child care regulation and DCP requirements relating to centre based child care. The centre is well designed with suitable amenity for children and staff.</p> <p>I have no objection to the proposal.</p>

**External Referrals**

Transport for NSW	TfNSW has reviewed the submitted amended plans and addendum to the Traffic Impact Assessment and raises no objection to the application.
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### ATTACHMENT 3: SUBMISSIONS TABLE

Council was in receipt of 10 unique submissions objecting to the proposed development.

Property	Issues raised	Response
30 Anglo street Chatswood	Traffic generation and traffic hazards	The proposal has been carefully considered with respect to traffic impacts, including a crash analysis, traffic generation assessment prepared by TTPP Transport Planning (Ref: 20462) dated 14 April 2022. TfNSW and Council find the proposal satisfactory on traffic grounds.
32 Anglo Street	Traffic generation and traffic hazards	See above.
11-19 View Street Chatswood	Traffic generation and traffic hazards	See above.
25 Centennial Ave, Chatswood	Traffic generation and traffic hazards	See above
29 James St, Chatswood	Traffic generation and traffic hazards	See above
23 Beresford Avenue, Chatswood	Traffic generation and traffic hazards	See above
62 Hawthorne Ave, Chatswood	Traffic generation and traffic hazards	See above
29 Fullers Rd, Chatswood	i. Traffic generation and traffic hazards ii. No demand for childcare centres	i. See above ii. There is no evidence to suggest that there is not sufficient demand for a child care facility in this part of Chatswood. The site is considered suitable for the development.
3A The Crescent, Chatswood	(i) Traffic generation and traffic hazards (ii) The NBRS architectural plans show the insertion of 3 new doors into the existing church building in order to increase useable floor space for the proposed childcare. The drawings do not show the detail. Could Council seek more information?	(i) See above (ii) Drawing 201414-NBRS-DA-DR-A-1002 shows (new) doors proposed into the proposed Staff room and kitchen, and one into the existing church building.
15 Fullers Rd, Chatswood	I would like to support the comments about traffic congestion and I oppose this application.	Noted.

#### ATTACHMENT 4: SEPP (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017 AND CHILD CARE PLANNING GUIDELINE ASSESSMENT

State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017, which has since been incorporated into the State Environmental Planning Policy (Transport and Infrastructure) 2021, aims to facilitate the effective delivery of education establishments and early education and care facilities in NSW. Under this SEPP a consent authority must take into consideration the Child Care Planning Guideline when assessing an application for a centre-based child care facility. This Guideline picks up the requirements of The Education and Care Services National Regulations.

Matters for consideration	Proposed	Complies
3.1 Site selection and location		
Objective: To ensure that appropriate zone considerations are assessed when selecting a site.	Permissible in the zone/.	Yes
Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.	Accessible location where noise, traffic and environmental consideration have been assessed as satisfactory.	Yes
Objective: To ensure that sites for child care facilities are appropriately located.	Found to be satisfactory.	Yes
Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.	An electro-magnetic report has been supplied (also required by G.8 of WDCP) and concludes that the level of exposure from communication towers is below the relevant threshold.	Yes
3.2 Local character, streetscape and the public domain interface		
Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.	Existing footprint unchanged, built form and appearance from street largely retained as existing.	Yes
Objective: To ensure clear delineation between the child care facility and public spaces.	High fences and security gates assists in the delineation between the child care facility and public spaces.	Yes
Objective: To ensure that front fences and retaining	The existing fencing to the western edge of the play	Yes

walls respond to and complement the context and character of the area and do not dominate the public domain.	area (play area described as Outdoor Play Area 2) is 2.6m high masonry wall, which is to be retained.	
<b>3.3 Building orientation, envelope and design</b>		
Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.	An adequate amount of solar access and shade is achieved on the site, assisted by new shade structures.	Yes
Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.	The footprint of the buildings remains the same.	Yes
Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.	Built form remains as existing.	Yes
Objective: To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.	The buildings continue to contribute to the area's character.	Yes
Objective: To ensure that buildings are designed to create safe environments for all users.	The proposal is suitably designed to create safe environments for all users.	Yes
Objective: To ensure that child care facilities are designed to be accessible by all potential users.	An Access Report has been prepared by Morris Goding, dated 2 May 2022, confirms the proposal achieves access requirements.	Yes
<b>3.4 Landscaping</b>		
Objective: To provide landscape design that contributes to the streetscape and amenity.	The landscaping response is considered to be satisfactory.	Yes

3.5 Visual and acoustic privacy		
Objective: To protect the privacy and security of children attending the facility.	The arrangement and orientation of buildings is considered to provide adequate privacy for children and opportunities for surveillance by careers.	Yes
Objective: To minimise impacts on privacy of adjoining properties.	The reports submitted with the application provide a sufficient level of comfort that the proposal will not detrimentally impact adjoining properties.	Yes
Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.	The noise report prepared by Day Design (Ref: 7275-1.1R, dated 12 August 2021) confirms no detrimental noise impacts.	Yes
3.6 Noise and air pollution		
Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.	Acoustic Report has been submitted to confirm the proposal is satisfactory on acoustic grounds.	Yes
Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.	The site is located within a residential zone and is considered to be suitable in this regard.	Yes
3.7 Hours of operation		
Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.	Mon – Fri 7.00am – 6.00pm (50 weeks). No weekends or public holidays.	Yes
3.8 Traffic, parking and pedestrian circulation		
Objective: To provide parking that satisfies the needs of users and demand generated by the centre.	The proposed carpark layout including the tandem spaces is considered to be satisfactory in this case as staff members use the	Yes



	"parked in" spaces and do not complicate the functionality by arriving prior to guests arriving.	
Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.	The propos has been assessed as satisfactory by Council's traffic section.	Yes
Objective: To provide a safe and connected environment for pedestrians both on and around the site.	Pedestrian safety is acceptable.	Yes
<b>Regulations</b>	<b>Proposed</b>	<b>Complies</b>
<b>4.1 Indoor Space Requirements</b>		
<b>Regulation 107</b> Every child being educated and cared for within a facility must have a minimum of 3.25m <sup>2</sup> of unencumbered indoor space.	Number of children: 55 Required indoor space: 178.75m <sup>2</sup> Proposed indoor space: 188m <sup>2</sup>	Yes
<b>4.2 Laundry and hygiene facilities</b>		
<b>Regulation 106</b> There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.	On-site laundry is provided which is not connected to play areas or child rooms.	Yes
<b>4.3 Toilet and hygiene facilities</b>		
<b>Regulation 109</b> service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and	Each rom has access to toilet amenities and can be supervised by staff.	Yes

the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.		
4.4 Ventilation and natural light		
<p><b>Regulation 110</b> Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p> <p>Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p>	Windows are proposed to the northern wall elevations to increased solar access and ventilation to indoor playrooms.	Yes
4.5 Administrative space		
<p><b>Regulation 111</b> A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	Director office serves as space for conducting consultation with parents and private conversations.	Yes
4.6 Nappy change facilities		
<p><b>Regulation 112</b> Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.</p>	Nappy change area provided adjoining the 0-2 years nursery, including baby wash down area	Yes

#### 4.7 Premises designed to facilitate supervision

**Regulation 115**

A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.

Children's bathrooms have been designed to be accessible from indoor and outdoor spaces. Sinks and toilets at appropriate heights for children.

Yes

#### 4.8 Emergency and evacuation procedures

**Regulations 97 and 168**

Education and Care Services National Regulations

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.

Regulation 97 sets out the detail for what those procedures must cover including:

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit
- a risk assessment to identify potential emergencies that are relevant to the service.

The applicant confirms a comprehensive emergency management manual will be prepared by a specialist emergency evacuation consultant will be prepared prior to the Construction Certificate. This is imposed as a condition of consent.

Yes

#### 4.9 Outdoor space requirements

**Regulation 108**

An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor

Number of children: 55  
Required outdoor space: 385m<sup>2</sup>  
Proposed outdoor space: 388m<sup>2</sup>

Yes

space.		
4.10 Natural environment		
<b>Regulation 113</b> The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.	A variety of textures, materials are proposed in the outdoor areas, satisfying this requirement.	Yes
4.11 Shade		
<b>Regulation 114</b> The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	Two outdoor areas include shade structures that provide sufficient shade.  Cottage outdoor play area: complies with maximum 60% covered outdoor play area.  Undercroft outdoor play area: Existing shade structure is satisfactory.	Yes
4.12 Fencing		
<b>Regulation 104</b> Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.	The undercroft outdoor area has a 2.6m high boundary block wall, and the cottage northern wall is 1.5m high. Fences enclose the outdoor spaces satisfactorily.	Yes
4.13 Soil assessment		
<b>Regulation 25</b> Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.  With every service application one of the following is required: v	The applicant advises that there is low possibility of the site being historically contaminated, and accepts a condition about unexpected finds protocol. This condition is imposed.	Yes

<ul style="list-style-type: none"><li>• a soil assessment for the site of the proposed education and care service premises</li><li>• if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken</li><li>• a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children.</li></ul>		
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## ATTACHMENT 5 - SECTION 4.15 (79C) ASSESSMENT

The application has been assessed under the provisions of S.4.15 (79C) of the *Environmental Planning and Assessment Act*.

The most relevant matters for consideration are assessed under the following headings:

### Matters for Consideration Under S.4.15 (79C) EP&A Act Considered and Satisfactory ✓ and Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> <li>State Environmental Planning Policies (SEPP)</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Regional Environmental Plans (REP)</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Local Environmental Plans (LEP)</li> </ul>	✓
	<b>Comment:</b> The proposal satisfies the relevant SEPPs and LEP.	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> <li>Draft State Environmental Planning Policies (SEPP)</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Draft Regional Environmental Plans (REP)</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Draft Local Environmental Plans (LEP)</li> </ul>	✓
	<b>Comment:</b> There are no draft SEPPs that apply to the subject land.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> <li>Development control plans (DCPs)</li> </ul>	✓
	<b>Comment:</b> The proposal satisfies the WDCP.	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> <li>Clause 92 EP&amp;A Regulation-Demolition</li> </ul>	
	<ul style="list-style-type: none"> <li>Clause 93 EP&amp;A Regulation-Fire Safety Considerations</li> </ul>	
	<ul style="list-style-type: none"> <li>Clause 94 EP&amp;A Regulation-Fire Upgrade of Existing Buildings</li> </ul>	
	<b>Comment:</b>	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> <li>Context &amp; setting</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Access, transport &amp; traffic, parking</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Servicing, loading/unloading</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Public domain</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Utilities</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Heritage</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Privacy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Views</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Solar Access</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Water and draining</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Soils</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Air &amp; microclimate</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Flora &amp; fauna</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Waste</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Energy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Noise &amp; vibration</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Natural hazards: Overland flowpath</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Safety, security crime prevention</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Social impact in the locality</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Economic impact in the locality</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Site design and internal design</li> </ul>	✓

**Matters for Consideration Under S.4.15 (79C) EP&A Act**  
**Considered and Satisfactory ✓ and Not Relevant N/A**

	• Construction	✓
	• Cumulative impacts	✓
	<b>Comment:</b> The likely impacts from the development are considered to be acceptable.	
(c)	The suitability of the site for the development	
	• Does the proposal fit in the locality?	✓
	• Are the site attributes conducive to this development?	✓
	<b>Comment:</b> The site is considered suitable for the proposal.	
(d)	Any submissions made in accordance with this Act or the regulations	
	• Public submissions	✓
	• Submissions from public authorities	✓
	<b>Comment:</b> The submissions have been considered as part of the overall assessment of the application.	
(e)	The public interest	
	• Federal, State and Local Government interests and Community interests	✓
	<b>Comment:</b> The proposal is considered to be satisfactorily in the public interest.	



## ATTACHMENT 6: SCHEDULE OF CONDITIONS

### SCHEDULE

#### CONDITIONS OF CONSENT: (including reasons for such conditions)

The following condition provides information on what forms part of the Consent.

##### 1. Approved Plan/Details

The development must be in accordance with the following consent plans electronically stamped by Council:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Site Plan	2014-NBRS-DA- DR-A-0200	3	07.09.2021	NBRS Architecture
Demolition	2014-NBRS-DA- DR-A-0300	3	07.09.2021	NBRS Architecture
Proposed Floor Plan Overall	2014-NBRS-DA- DR-A-1000	6	07.09.2021	NBRS Architecture
Proposed Floor Plan Undercroft	2014-NBRS-DA- DR-A-1001	5	07.09.2021	NBRS Architecture
Proposed Floor Plan Cottage	2014-NBRS-DA- DR-A-1002	7	02.05.2022	NBRS Architecture
External Building Elevations	2014-NBRS-DA- DR-A-3000	5	06.10.2021	NBRS Architecture
Sections	2014-NBRS-DA- DR-A-4000	5	07.09.2021	NBRS Architecture
On-site Stormwater Detention Plan	50614002-DA-010	2	13.08.2013	Cardno
Overall Landscape Plan	L001	B	24.09.2021	NBRS Architecture Landscape
Typical Details	L0022	B	24.09.2021	NBRS Architecture Landscape

the application form and any other supporting documentation submitted as part of the application, except for:

- (a) any modifications which are "Exempt Development" as defined under S.4.1(1) of the *Environmental Planning and Assessment Act 1979*;
- (b) otherwise provided by the conditions of this consent.  
(Reason: Information and ensure compliance)

## PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate.

### 2. Local Infrastructure Contributions

For development that involves subdivision and/or building work, any contribution required under Council's Local Infrastructure Plan must be paid to Council prior to the issue of the subdivision certificate or first construction certificate, whichever occurs first.

(Reason: Statutory requirement)

### 3. S7.12 Contribution

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid in accordance with section 7.12 of *Environmental Planning and Assessment Act, 1979* in the amount of \$7,475.50 for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

This contribution is based on 1% of the estimated cost of development, being \$747,549.46 at 29/10/2021 and the adopted *Willoughby Local Infrastructure Contributions Plan*.

#### Indexation

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the monetary contribution is set out below:

$$\frac{\$C_o \times \text{Current CPI}}{\text{Base CPI}}$$

Where:

$\$C_o$  = the original development contribution determined by the Council based on a percentage of the cost of development as set out in the Contributions Plan

Current CPI = the Consumer Price Index (All Groups Index), Sydney, as published by the ABS at the quarter immediately prior to the date of payment

Base CPI = the Consumer Price Index (All Groups Index), Sydney, as published by the ABS at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution

Deferred payments of contributions will not be accepted.

Prior to payment Council can provide the value of the indexed levy.

Copies of the *Willoughby Local Infrastructure Contributions Plan* are available for inspection online at [www.willoughby.nsw.gov.au](http://www.willoughby.nsw.gov.au)  
(Reason: Statutory requirement)

#### **4. Plan of Management**

Prior to the issue of a Construction Certificate, the following action items must be added to the Plan of Management.

- (i) Staff must occupy the southern-most tandem car spaces (numbered 30, 32, 34, 36, 38 and 40 on the approved drawings) prior to the arrival of any guests or visitors each day.
- (ii) Parents and carers of children attending the Child Care Centre must be given clear instructions on the use of car spaces 29, 31, 33, 35, 37, 39, 41 for drop off / pick up.

(Reason: Compliance)

#### **5. Sydney Water 'Tap In'**

Prior to the issue of the Construction Certificate, the approved plans must be submitted online to "Sydney Water Tap In" to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

An approval receipt will need to be obtained prior to release of the Construction Certificate.

(Reason: Ensure compliance)

#### **6. Damage Deposit**

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$7,000** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$182** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

**Total Payable = \$7,000 + \$182 = \$7,182**

(Reason: Protection of public asset)

#### **7. Detailed Stormwater Management Plan (SWMP)**

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and are to clearly demonstrate that the existing OSD system is maintained and that the works do not reduce the capacity of the system and that areas currently draining to the OSD system continue to drain to the OSD system. All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS/NSZ3500.3 – *Plumbing and Drainage Code* and National Construction Code.

(Reason: Ensure compliance)

**8. Construction Management Plan (CMP)**

Prior to the issue of the Construction Certificate, submit, for approval by the Certifier, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
- (b) Parking for construction vehicles
- (c) Locations of site office, accommodation and the storage of major materials related to the project
- (d) Protection of adjoining properties, pedestrians, vehicles and public assets
- (e) Location and extent of proposed builder's hoarding and Work Zones
- (f) Tree protection management measures for all protected and retained trees.

(Reason: Compliance)

**9. Vehicle Access and Manoeuvring – Engineer's Certification**

Prior to the issue of the Construction Certificate, the Applicant shall submit, for approval by the Principal Certifier, certification from a suitably qualified and experienced Traffic Engineer relating to the design of vehicular access and manoeuvring for the development. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1 and AS/NZS 2890.6 in terms of minimum dimensions provided and grades on parking spaces. All parking spaces used by school and church visitors are to comply with the requirements of AS/NZS 2890.1 for Class 2 medium term parking.
- (c) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS/NZS 2890.6. A bollard shall be located in the shared zone in accordance with AS/NZS 2890.6.
- (d) Simultaneous manoeuvring of B99 and B85 vehicles at all access aisles including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.

(Reason: Ensure compliance)

**10. Building Ventilation**

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided. These shall be designed in accordance with the provisions of:

- (a) The National Construction Code:
  - (i) AS1668.1, AS1668.2 and AS3666.1 as applicable; and/or
  - (ii) Alternative solution using an appropriate assessment method

Details of all mechanical ventilation and exhaust systems, and certification provided by an appropriately qualified person verifying compliance with these requirements, shall be submitted to the Certifier prior to the issue of the Construction Certificate.  
(Reason: Health and compliance)

#### **11. Childcare Kitchen Fitout Details**

The fitout of the food preparation kitchen areas of each childcare centre must comply with Australian Standard AS4674-2004 Design, Construction and Fitout of Food Premises and with the requirements of the Food Safety Standards. Detailed plans shall be submitted to the Certifier together with certification from a suitably qualified person that the fitout complies with the standards prior to a Construction Certificate being issued.

The plans are specifically required to show compliance with the following:

- (a) A dedicated hand wash basin/s shall be located in each area where contamination of the hands is likely to occur and must be within 5m from any place where food handlers are handling food. The hand wash basin/s shall be of a suitable size (500mm x 400mm), fixed to the wall at bench height and accessible at all times.
  - (b) All floors, walls & ceiling finishes to the kitchen area must be of an approved material that is impervious to moisture.
  - (c) Floors in the kitchen shall drain to a floor waste and be coved at the intersection of the walls.
  - (d) All walls must be solid construction with no voids or gaps.
  - (e) All fixtures and equipment must be sealed to the wall and a solid plinth. Cupboards must be vermin proofed and shall not consist of voids. As an alternative, fixtures and equipment can be of an open design on legs with a minimum clearance of 150mm to the floor.
  - (f) A double bowl wash-up sink and a dishwasher shall be provided.
  - (g) The cooking equipment shall be provided with mechanical ventilation.
- (Reason: Health and compliance)

#### **PRIOR TO COMMENCEMENT**

**The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site, including demolition.**

#### **12. Dilapidation Report of Council's Property**

Submit a dilapidation report including photographic record of Council's property extending to a distance of 50m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this regard, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

This dilapidation report shall be submitted to Council and the Certifier advised of the submission prior to commencement of work.

(Reason: Protection of Council's infrastructure)

### **13. Permits and Approvals Required**

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:-

- (a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- (b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and TfNSW (RMS). A separate written application to work outside normal hours must be submitted for approval.  
It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.
- (c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- (d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- (e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- (f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- (g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

The public footway must not be obstructed at any time unless written approval has been granted by Council. Council's footpath and footway shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Legal requirements)

### **14. Underground Utility Services**

Where excavation is proposed, locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)

## DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.

### 15. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This Section 4.55 application may require re-notification in some circumstances.  
(Reason: Ensure compliance and amenity)

### 16. Provide Erosion and Sediment Control

Where work involves excavation or stockpiling of raw or loose materials, erosion and sediment control devices shall be provided wholly within the site whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the *Protection of Environment Operations Act 1997* and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.  
(Reason: Environmental protection)

### 17. Demolition Work AS 2601-2001

Any demolition must be carried out in accordance with AS 2601 – 2001, *The demolition of structures*.  
(Reason: Safety)

### 18. No Storage or Parking on Footway/Nature Strip

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.



Further, the parking of motor vehicles on footpaths, nature strips and cross overs and unloading vehicles while double parked or otherwise unsafely parked is not permitted. All vehicles are required to be parked legally and safely  
(Reason: Safety)

**19. Temporary Toilet Facilities**

Temporary toilet facilities shall be provided to the satisfaction of the Certifier.

The provision of toilet facilities must be completed before any other work is commenced on site. NOTE: Portable toilet facilities are not permitted to be placed on public areas without prior approval having been obtained from Council.  
(Reason: Health and amenity)

**20. Erection Wholly within the Boundaries**

All works (with the exception of any works approved under S138 of the *Roads Act 1993*) including footings, shall be erected wholly within the boundaries of the property.  
(Reason: Ensure compliance)

**21. Sweep & Clean Pavement**

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council.  
(Reason: Legal requirement)

**22. Street Signs**

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.  
(Reason: Protection of public assets)

**23. Tree Protection**

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on the approved plans unless exempt under relevant planning instruments or legislation.
- (b) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- (c) Tree roots greater than 25mm diameter are not to be removed unless approved by a qualified Arborist on site.
- (d) All structures are to bridge roots unless directed by a qualified Arborist on site.
- (e) Tree protection measures must comply with the AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures

(Reason: Tree management)

**24. Storage of Materials on Council Land Prohibited**

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited.  
(Reason: Safety, environmental protection)

**25. Dust Control**

The following measures must be taken to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
  - (b) Any existing accumulation of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
  - (c) All dusty surfaces and activities must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system. Activities could include, but are not limited to, rock-breaking, excavation, earth moving, drilling, and angle grinding, cutting, jack hammering and chiselling of concrete or masonry.
  - (d) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
  - (e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.
- (Reason: Amenity and environmental protection)

**PRIOR TO OCCUPATION OF THE DEVELOPMENT**

**The following conditions of consent must be complied with prior to the issue of an occupation certificate.**

**26. Access for the Disabled - Disability Discrimination Act**

The building/development must comply with the requirements of the Disability Discrimination Act.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act.

(Reason: Access and egress)

**27. Fire Safety Certificate before Change of Use to NSW Fire and Rescue**

Prior to the issue of any Occupation Certificate and before a change of use for an existing building occurs, a Fire Safety Certificate shall be furnished by the owner to Council, and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire and Rescue, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with Clause 172 of the *Environmental Planning and Assessment Regulation 2000* in respect to each essential fire safety measure included in the Schedule.

(Reason: Safety)

**28. Marked Parking Bays**

Prior to the issue of any relevant Occupation Certificate, all parking bays and/or truck docks and the direction of traffic movement shall be permanently marked on the pavement surface in accordance with the approved parking and driveway layout to the satisfaction of the Certifier. Where it is proposed that a building or site be used for multiple occupations, all parking bays shall be identified by corresponding consecutive numbers.

(Reason: Ensure compliance)

**29. Identification of Car Parking Spaces**

Prior to the issue of any Occupation Certificate, the 41 car parking spaces shall be physically identified on site and maintained free of obstruction. Under no circumstances are these spaces to be used for the storage of goods or waste products, or allocated for uses outside the site. Spaces are to be marked in accordance with the approved drawings as follows:

Staff: 7 spaces

Drop off / pick up: 6 spaces

Accessible spaces: 2 spaces

The balance of spaces may be marked as visitor spaces or numbered.

(Reason: Amenity)

**30. On-site Water Management System**

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of via the existing OSD system to the kerb and gutter in accordance with Sydney Water's requirements AS/NZS3500.3, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

**31. Certification of OSD**

Prior to the issue of any Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the works have not impacted the existing OSD system, including that impervious area draining to the OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards.

(Reason: Legal requirement)

**32. Public Infrastructure Restoration**

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to , delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

(Reason: Protection of public assets)

### **33. Vehicle Access and Manoeuvring – Construction & Certification**

Prior to the issue of any Occupation Certificate, the Applicant shall submit, for approval by the Principal Certifier, certification from a suitably qualified and experienced Traffic Engineer relating to the construction of vehicular access and manoeuvring for the development. This certification must be based on a site inspection of the constructed vehicle access, manoeuvring and vehicle accommodation areas, with dimensions and measurements as necessary, and must make specific reference to the following:

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 890.2 and will not result in scraping to the underside of cars.
- (c) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (d) That the constructed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided and grades on parking spaces. All parking spaces used by school and church visitors are to comply with the requirements of AS/NZS 2890.1 for Class 2 medium term parking.
- (e) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS/NZS 2890.6, and that a bollard is located in the shared zone in accordance with AS/NZS 2890.6.
- (f) Simultaneous manoeuvring of B99 and B85 at all access aisles including clearances for each vehicle as per AS/NZS 2890.1 is achieved.

(Reason: Ensure compliance)

### **34. Completion of Landscape Works**

Prior to the issue of a Whole Occupation Certificate, any approved landscape works shall be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards.

(Reason: Landscape amenity)

### **35. Emitted Noise - Air Conditioning**

To minimise the impact of noise from the air conditioning unit on the occupants of adjoining residential buildings, the air conditioning system shall be installed so that the noise emitted from the air conditioning system shall be not more than 5dBA above the background noise level measured at the boundaries of the property within the permitted times of use stipulated in the *Protection of the Environment Operations (Noise Control) Regulation 2008*.

Certification from an appropriately qualified acoustic consultant that these design requirements have been met shall be submitted to the Certifier prior to issue of the Occupation Certificate for the air conditioning unit.

(Reason: Amenity, environmental compliance and health)

**36. Acoustic Treatment – Certification**

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the construction details approved and the relevant design noise criteria.

(Reason: Amenity, environmental compliance and health)

**37. Food Premises Registration**

Prior to an Occupation Certificate being issued, the food premises shall be registered with Willoughby City Council by completing and submitting the Food Business Registration Form available on Council's website.

(Reason: Public health, safety and compliance)

**ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

**The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.**

**38. Plan of Management**

The Plan of Management must be complied with at all times.

(Reason: Compliance)

**39. Annual Fire Safety Statement**

Attention is directed to Clause 177 of the *Environmental Planning and Assessment Regulation 2000* regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)

**40. Hours of Operation**

The hours of operation of the Child Care Centre are to be restricted to those times listed below, i.e.:

Weekdays	7.00am to 6.00pm
Saturdays	Closed
Sundays & Public Holidays	Closed

Any extension to these hours is to be subject to the prior consent of Council.

(Reason: Amenity)

**41. Capacity of the Child Care Centre**

The child care centre must have a maximum capacity of 55 children, of which:

- (a) 8 children between zero (0) and two (2) years of age,
- (b) 20 children aged two (2) and three (3) years, and
- (c) 27 children aged between three (3) and under six (6) years of age.

The child care centre must have a maximum of 15 employees to supervise the children.

Any increase in children or employees is to be subject to prior consent of Council.  
(Reason: Ensure compliance)

**42. Stormwater Kerb Outlet**

New stormwater connection outlets at the street kerb shall be made using 125mm wide x 75mm high x 4mm thick hot dip galvanised Rectangular Hollow Section (RHS). Where there are multiple outlets required, a minimum distance of 100mm shall separate these outlets. A grated drainage pit (min. 600mm x 600mm) shall be provided within and adjacent to the property boundary prior to discharging to the Council's drainage system.

(Reason: Protection of public asset)

**43. Trees on Adjoining Properties**

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, or neighbouring private land.

(Reason: Environmental protection)

**44. Noise Control – Offensive Noise and Vibration**

To minimise the noise and vibration impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the *Protection of the Environment Operations Act 1997*.

(Reason: Amenity)

**PRESCRIBED CONDITIONS**

**The following conditions are prescribed by Section 4.17 of the Environmental Planning & Assessment Act for developments involving building work.**

**45. Compliance with National Construction Code**

All building works must be carried out in accordance with the performance requirements of the National Construction Code.

(Reason: Compliance)

**STATUTORY REQUIREMENTS**

**The following advisory notes are statutory requirements of the Environmental Planning & Assessment Act and the Environmental Planning & Assessment Regulations and are provided to assist applicants**

**46. Construction Certificate**

This consent IS NOT an approval to carry out any building works. A Construction Certificate may be required PRIOR TO ANY WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and statutory requirement)

**47. Notify Council of Intention to Commence Works**

In accordance with the provisions of Section 6.6 of the *Environmental Planning and Assessment Act 1979* the person having the benefit of the development consent shall appoint a Certifier and give at least 2 days' notice to Council, in writing, of the person's intention to commence the erection of the building.

(Reason: Information and ensure compliance)

**48. Occupation Certificate**

The building/structure or part thereof shall not be occupied or used until an occupation certificate has been issued in respect of the building or part.

(Reason: Safety)

ATTACHMENT 7: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2021/318

At: 1-5 View Street CHATSWOOD NSW 2067

