

## AGENDA - IHAP

<b>Meeting:</b>	Georges River Independent Hearing Assessment Panel (IHAP)
<b>Date:</b>	Thursday, 23 March 2017
<b>Time:</b>	4pm
<b>Venue:</b>	Council Chambers, Civic Centre, Kogarah
<b>Participants:</b>	Adam Seton (Chairperson) Gabrielle Morrish (Panel Member) Juliet Grant (Panel Member) George Vardas (Community Member)
<b>Additional Invitees:</b>	Meryl Bishop (Director – Environment and Planning) Tina Christy (Manager – Development and Building) Catherine McMahon (Manager – Strategic Planning) Cathy Mercer (Admin Assistant) Monica Wernej (Admin Assistant)

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### **1. On Site Inspections - 1.00pm –3.30pm**

- a) 29-31 MacMahon Street Hurstville
- b) 123 Croydon Road Hurstville
- c) 34 Coreen Avenue Peakhurst
- d) 55A Vista Street Sans Souci

### **Break - 3.30pm**

### **2. Public Meeting – Consideration of Items - 4.00pm–6.00pm**

#### **Public Meeting Session Closed - 6.00pm**

**(Break – Light Supper served to Panel Members)**

### **3. Reports and IHAP Deliberations in Closed Session - 6.30pm**

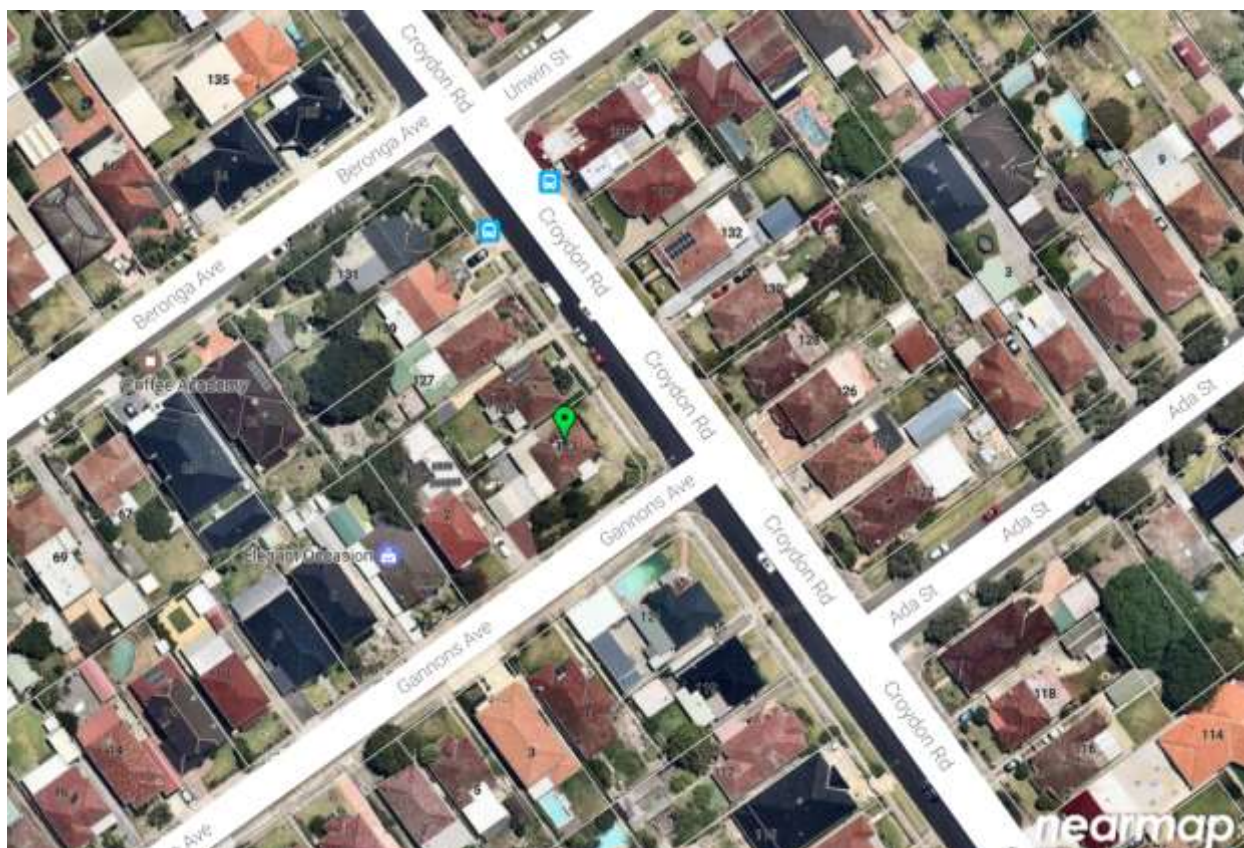
Item:	DA No:	Address:	Description:
3.1	DA2016/0106	123 Croydon Road Hurstville	Demolition of existing structures and construction of new two storey child care centre with basement parking for thirty two (32) children
3.2	2016/0003	55A Vista Street, Sans Souci	Alterations and additions to dwelling, including additional floor and new roof and enclosure of carport and adjoining structures
3.3	PP2014/0003	29-31 MacMahon Street Hurstville	Planning Proposal PP2014/0003 - Post Exhibition Report
3.4	PP2015/0004	34 Coreen Avenue, Peakhurst	Reclassification of a part of 34 Coreen Avenue, Peakhurst

**4. Confirmation of Minutes by Chair**

## REPORT TO GEORGES RIVER COUNCIL IHAP MEETING OF THURSDAY, 23 MARCH 2017

<b>IHAP Report No</b>	<b>3.1</b>	<b>Application No</b>	<b>DA2016/0106</b>
<b>Site Address &amp; Ward Locality</b>	123 Croydon Road Hurstville Hurstville Ward		
<b>Proposal</b>	Demolition of existing structures and construction of new two storey child care centre with basement parking for thirty two (32) children		
<b>Report Author/s</b>	Development Assessment Officer, Marc Raymundo		
<b>Owners</b>	Mr C Q Huang and Y Chen		
<b>Applicant</b>	FS Architects Pty Ltd		
<b>Zoning</b>	Zone R2 Low - Density Residential		
<b>Date Of Lodgement</b>	9/05/2016		
<b>Submissions</b>	Four (4) submissions received, and two (2) petitions with forty one (41) signatures		
<b>Cost of Works</b>	\$1,470,000.00		
<b>Reason for Referral to IHAP</b>	Minor variations to HDCP No 1 and submissions received		
<b>Recommendation</b>	THAT the application be approved in accordance with the conditions included in the report.		

### Site Plan



## EXECUTIVE SUMMARY

1. The proposal seeks development consent for demolition of existing structures and construction of new two (2) storey child care centre with basement parking for thirty two (32) children on land known as 123 Croydon Road, Hurstville.
2. The application has been assessed in accordance with the relevant planning controls and seeks minor variations to the Hurstville Development Control Plan No 1 - LGA Wide. Appropriate consideration has been applied in the assessment process. The variations are supported on planning merit as no material unreasonable impacts arise.
3. The proposal and amended proposal was notified/advertised and readvertised to fourteen (14) adjoining owners/occupiers. In response in total, four (4) submissions and two (2) petitions with forty one (41) signatures were received. The key concerns included traffic, safety and noise impacts of which have been addressed within the report.
4. It is recommended that the application be approved in accordance with the conditions included in the report.

## DESCRIPTION OF THE PROPOSAL

1. The proposal seeks consent for demolition of existing structures and construction of new two (2) storey child care centre with basement parking for thirty two (32) children on land known as 123 Croydon Road, Hurstville.

Details of the proposed child care centre are as follows:-

Built form: Two (2) storey child care centre with indoor playrooms and associated ancillary services and office rooms with outdoor play areas.

Basement car parking: Eight (8) car spaces including one (1) accessible space.

Number of children: Thirty two (32) child care places comprising of twelve (12) x 0-2 year olds, ten (10) x 2-3 year olds and ten (10) x 3-6 year olds.

Hours of operation: 7.00am to 6.00pm Monday to Friday. Closed Saturday and Sunday.

Number of staff: Seven (7) staff on site.

- Demolition of existing dwelling and associated structures.
- Pedestrian entrance to Gannons Avenue.
- Vehicular entrance and exit driveway to Croydon Road.
- 1.8m high front fence along Gannons Avenue.
- Removal of four (4) small trees on site.

### Amended Proposal received 9 December 2017

- 1.8m high front fence enclosing play area fronting Croydon Road.
- Rear access stairs along western elevation.
- Location of air conditioning units shown on plans along southern side elevation.
- Internal reconfiguration and kitchen details.
- Minor internal and external changes.

### Amended Proposal received 17 January 2017 (not notified)

- Relocation of air conditioning units.
- Additional kitchen details provided.



**HISTORY**

2. 9 May 16 Application lodged
- 1 – 16 May 16 Notification period
- 27 Jul 16 Meeting with applicant to discuss issues
- 24 Aug 16 Stop the Clock letter sent to applicant – additional information request
- 15 Sep 16 Additional information provided
- 29 Nov 16 Stop the Clock letter sent to applicant – additional information request
- 9 Dec 16 Additional information received
- 17 Jan 17 Additional information provided
- 21 Dec – 20 Jan 17 Re-notification

**DESCRIPTION OF THE SITE AND LOCALITY**

3. The subject site is legally described as Lot 2 in DP18208 and known as 123 Croydon Road, Hurstville. The allotment forms a corner site and dimensioned as follows; 18.29m along the eastern frontage, 29.11m along the northern side boundary, 20.08m along the western rear boundary, 27.54m along the southern side boundary with a south eastern splay of 2m. The site contains a total area of 579sqm. The site falls from the rear north west corner (high) and south east front corner (low) by 2.89m.

The site is zoned R2 - Low Density Residential under the Hurstville Local Environmental Plan 2012. A single storey detached building is centrally located on site. Four (4) trees are located on site. Vehicular access is granted via Gannons Avenue. A fibro and awning are located within the rear north west corner.

The surrounding area generally comprises of single and two (2) storey dwellings of varying architectural styles and designs. The site contains a secondary southern frontage to Gannons Avenue to the south.

**COMPLIANCE AND ASSESSMENT**

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

**Environmental Planning Instruments****HURSTVILLE LOCAL ENVIRONMENTAL PLAN 2012**

5. The proposal has been considered against the relevant planning provisions as per below.

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

		standard conditions of consent applied	
4.3 – Height of Buildings	9m as identified on Height of Buildings Map	7.48m (ridge) max	Yes
4.4 – Floor Space Ratio	Site = 579sqm  0.6:1 as identified on Floor Space Ratio Map (347.4sqm)	Ground floor = 182sqm First floor = 164.2sqm Total = (346.2sqm)  FSR = 0.59:1	Yes
4.5 – Calculation of floor space ratio and site area	FSR and site area calculated in accordance with Cl.4.5	Calculated in accordance with Cl. 4.5	Yes
5.9 – Preservation of Trees or Vegetation	Trees to be removed are specified in DCP1	Removal four (4) small trees. This is subject to tree replacement planting on site as identified within the landscape plan. Six (6) replacement trees. A further additional tree planting is conditioned to appropriately replenish the tree canopy and provide additional shading.	Yes
6.7 – Essential Services	The following services that are essential for the development shall be available or that adequate arrangements must be made available when required:  Supply of water, electricity and disposal and management of sewerage  Stormwater drainage or on-site conservation  Suitable vehicular access	  Adequate facilities for the supply of water and for the removal of sewage and drainage are available to this land  The proposed development can drain to the street, supported by Council's Team Leader Development and Subdivision  Suitable vehicular access to Croydon Road at front of site to service proposed use which is supported by Council's Senior Traffic Engineer.	  Yes  Yes  Yes

**STATE ENVIRONMENTAL PLANNING POLICIES**

<b>State Environmental Planning Policy</b>	<b>Complies</b>
State Environmental Planning Policy No 55 – Remediation of Land Subject site historically used for residential purposes	Yes

## **Draft Environmental Planning Instruments**

### ***DRAFT EDUCATION AND CHILD CARE STATE ENVIRONMENTAL PLANNING POLICY***

6. The proposal has been considered in accordance with the draft SEPP which is currently under exhibition. The proposal is considered to reasonably satisfy the intent of the policy. However, this is draft SEPP not certain nor imminent.

### ***Any other matters prescribed by the Regulations***

7. The regulations prescribe the following matters for consideration for development in the Hurstville Council area:

#### Demolition

Safety standards for demolition and compliance with AS 2601-2001 apply to the demolition of any building affected by the proposal.

## **Development Control Plans**

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

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

<b>Section 3.1</b>	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.1.2.1 (table) – Child care centres	1 space per 2 staff (7 staff) = 4 spaces	4 staff spaces	Yes
	Separate entry and exit (1 space per 10 children) = 4 spaces	4 spaces	Yes
	Total required = 8 spaces	Total provided = 8 spaces	Yes
	Car parking and driveway compliant with Australian Standards	Meets Australian Standards, traffic report provided. Supported by Council's Senior Traffic Engineer subject to conditions of consent.	Yes

As can be seen from the table above, the proposal complies with Section 3.1.

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

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

<b>Section 3.3</b>	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
Access requirements	Access for all persons through the principal entrance and access to appropriate sanitary facilities in accordance with the BCA and	Access provided to all areas of the child care centre and sanitary facilities provided	Yes

	relevant Australian Standards		
Accessible car spaces	1 space per 20 spaces or part thereof = 1 accessible car space required	1 accessible space is provided nominated as car space No. 7 located within basement	Yes

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

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

Section 3.4	Requirements	Proposed	Complies
Fencing	Allows natural surveillance to street	Fencing proposed is appropriate and provides appropriate surveillance around the site and to the street	Yes
Blind Corners	To be avoided	No blind corners evident with design and is considered to be appropriate for the child care centre use	Yes
Communal Areas	Provide opportunities for natural surveillance	Windows of front foyer and first floor provide natural surveillance to the street	Yes
Entrances	Clearly visible and not confusing	The entry to the child care centre is clearly defined and has good sight lines to Croydon Road and Gannons Avenue	Yes
Site and Building Layout	<ul style="list-style-type: none"> <li>- Provide surveillance opportunities</li> <li>- Building addresses street</li> <li>- Offset windows</li> </ul>	Surveillance opportunities provided, building addresses street and windows are appropriately offset	Yes
Lighting	<ul style="list-style-type: none"> <li>- Diffused/movement sensitive lighting provided externally</li> <li>- Access/egress points illuminated</li> <li>- No light spill towards neighbours</li> <li>- Hiding places illuminated</li> <li>- Lighting is energy efficient</li> </ul>	Can be provided	Yes
Landscaping	<ul style="list-style-type: none"> <li>- Avoid dense medium height shrubs</li> <li>- Allow spacing for low growing dense vegetation</li> <li>- Low ground cover or</li> </ul>	Landscape plan shows deep soil planting to boundaries of site to provide screen planting. Planting to external play areas consistent with	Yes

	high canopy trees around car parks and pathways	requirements for child care centres primarily located along the rear western boundary.	
Security	Provide an appropriate level of security	Sufficient level of security provided	Yes
Ownership	Use of fencing, landscaping, colour and finishes to imply ownership	Landscaping, fencing and driveways imply connection and sense of ownership	Yes

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

11. The requirements of this subsection have been adequately satisfied. The proposal results in compliant levels of solar access to adjoining residential properties.

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

12. The proposed development can drain to the street and is consistent with the requirements of Section 3.7. The proposal is supported by Council's Team Leader Development and Subdivision.

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

13. The proposed development includes a 1.2m – 1.8m high part front fence along Croydon Road and 1.8m high side fence along Gannons Avenue. A 1.8m high wall encloses the smaller outdoor play area. The design of the fence along Croydon Road is setback from the front boundary with landscape and tree planting (which can grow to a mature attainable height of 6m) in between which softens the appearance of the wall. In this regard the proposed fencing is reasonable, appropriate and consistent with the provisions of Development Control Plan No 1.

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

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

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

15. Previously addressed within report under Hurstville Local Environmental Plan 2012 - Clause 5.9-5.9AA.

### ***DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 4.12 BUILDING HEIGHT AND INDICATIVE STOREYS***

16. The site is zoned R2 – Low Density Residential and the proposal adopts a two (2) storey built form which satisfies the indicative storey considerations within this subsection which refers to two (2) storeys in this zone. Furthermore, the proposal adopts appropriate; setbacks, visual cues and detailing similar to a dwelling. In this regard, the resultant built form is considered to be compatible to the zone and surrounding residential dwellings.

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



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

Locational Criteria	Requirements	Proposal	Complies
5.4.5.1 (Table) – General Preferences	Close to community focal points	Close to community focal points, golf course further to north east	Yes
	Site to be greater than 500sqm in area	579sqm (surveyed)	Yes
	Min. frontage of 18m where a combined entry and exit is provided	18.29m, excluding front south east splay at corner (20.08m maximum allotment width)	Yes
5.4.5.1 (Table) – Proximity to Undesirable or Hazardous Features	Site must be at least 300m away from telecommunications towers, large over-head power wires, any other inappropriate area	Appropriately located, no such infrastructure nearby	Yes
	Approval will not be given to sites which are less than 55m from an LPG above ground gas tank or tanker unloading position	Not located within 55m of the site	Yes
	Analysis of existing and/or potential site contamination	None evident, currently used as a dwelling house	Yes
	Approval will not be given to sites located within cul-de-sacs or closed roads	Croydon Road and Gannons Avenue form through streets and not cul-de-sacs	Yes
	Child Care Centres are not to be located on bushfire or flood prone land, or located adjoining drug clinics or other inappropriate land uses	Not bushfire, not identified as flood prone or adjacent to any inappropriate land uses	Yes
	Proposals must be accompanied by a Traffic Impact Statement provided by a qualified consultant	Traffic study provided – supported by Senior Traffic Engineer subject to conditions of consent	Yes
5.4.6 – Cumulative Impacts from Centres within Residential Areas	Child Care Centre not to be located on land adjoining any other Child Care Centre	Not near or adjacent to another Child Care Centre within locality. Closest child care centre is located 105m (approx.) to the south east on the opposite side of the road at 114 Croydon Road, Hurstville known as Grown Patch Early Learning Centre (Bayside City Council	Yes

		locality), hours of operation are 7am – 6pm Monday to Friday.	
	Only 1 Child Care Centre to be located on each street block	The proposal would form the only child care centre on the street block	Yes

Child Care Centre	Requirements	Proposal	Complies
5.4.1 (a) - Minimum Site Area	500sqm	579sqm	Yes
5.4.1 (b)(i) - Minimum Street Frontage	18m where a combined entry and exit is required	18.29m (combined driveway) with access to Croydon Road	Yes
5.4.1 (c) - Location on State Road	Not permitted	Not located on State road. Site is located on a Regional Road	Yes
5.4.8 - Maximum number of children	40 within the R2 - Low Density Residential.  Council will consider variation to the controls where the site is located adjacent to a retail/commercial area or other non-residential zone	32 children  0-2 = 12 children 2-3 = 10 children 3-6 = 10 children	Yes
5.4.8 - Age groupings	Minimum number of places within the 0-2 year age group is to be the same as the % of 0-2 year olds in the under 5 years population at most recent census (which is 35% from the 2011 census) = 12 required	Proposed = 12	Yes
5.4.9.1 - Height	1 storey for R2 zone	2 storey built form adopting setbacks similar to a two storey dwelling house	No (1) – refer to discussion below
5.4.9.6 - Colour scheme	No bright colours on building finishes	Subdued colour palette for external finishes which fits into streetscape comprising of white and grey	Yes
5.4.9.2 - Front setback	5.5m to primary frontage	5.5m to Croydon Road	Yes
Side setback	2m secondary frontage	2m to Gannons Avenue	Yes
	Ground floor: 0.9m for R2	0.9m to northern side boundary 3.4m to southern side	Yes

Rear setback ground	3m	boundary 11m – ground floor and first floor setback	Yes
5.4.9.3 - Relationships to adjoining properties	<p>Play areas – indoor and outdoor</p> <p>Windows and doors (particularly those associated with indoor play areas)</p> <p>Verandahs</p> <p>Point of entry</p> <p>Pick-up and drop-off points</p> <p>Any plant equipment which may be required within the context of the centre</p> <p>Openings such as windows and doors should not correspond with existing opening on adjoining properties</p>	<p>Provided indoor and outdoor play areas directly connected to play areas</p> <p>Appropriate screening and treatment</p> <p>Verandahs provided off each playroom</p> <p>Central point of entry</p> <p>Appropriate location</p> <p>Provided</p> <p>Appropriately offset and treated with block glass windows</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
5.4.9.4 - Solar design	Minimum 3 hours sunlight between 9am-3pm for adjoining private open space, habitable rooms and solar collectors	Compliant with solar access requirements to adjoining properties. Majority of solar access falls on the subject site, Gannons Avenue and Croydon Road.	Yes
5.4.10.1 (a) - Staff parking	<p>1 space per 2 staff = 3.5 spaces (on-site staff parking spaces are to be clearly marked and sign posted)</p> <p>1 staff per 0-2 children = 3</p> <p>1 staff per 0-5 children = 2</p> <p>1 space per 10 children = 1</p> <p>Total = 7 staff required</p>	4 staff spaces provided within basement	Yes
Parent parking	No drive through access, 1 space per 10 children to be used for a period of no more	4 visitor spaces provided within basement –	Yes

	than 15 minutes by one vehicles = 3.2 spaces	supported by Council's Senior Traffic Engineer	
5.4.10.1 - Bike racks	Provision to be made for 4 racks	Provided on site within front setback, however can be conditioned to be located within basement level	Yes
5.4.10.1 – Access and Parking	A “Neighbourhood Parking Policy” and a “Motor Vehicle and Pedestrian Risk Assessment Report” must be submitted for Council’s consideration	The submitted traffic report was referred and reviewed by Council's Senior Traffic Engineer, who raised no objection to the proposal	Yes
	Physical demarcation is required to be provided between pedestrians and vehicular access ways to ensure pedestrian safety	Demarcation separated with driveway (via Croydon Road) and pedestrian entry (via Gannons Avenue)	Yes
5.4.10.2 – Traffic Consideration	Impacts on traffic and safety	Traffic report submitted in support of proposal	Yes
	Consideration on traffic impacts during peak hours 7.30 - 9am and 3.30 - 6pm	No unreasonable impact generated by use, supported by Council's Senior Traffic Engineer	Yes
5.4.10.3 (a) - Landscape strip	1m wide along front setback	Generally more than 1m wide along primary frontage	Yes
5.4.10.3 (c) - Disabled Access	Maximum Grade 1:14	Compliant with AS requirements	Yes
5.4.11.1 – Landscaping	Screen planting is to be provided along the side boundaries	Deep soil planting provided along perimeter of the site	Yes
5.4.11.3 – Drainage	Play areas must be capable of rapid clearance of surface water	Proposal drains to the street subject to conditions of consent	Yes
5.4.12.1 - Indoor space	Area for administration, private consulting room and respite of staff	Office, reception/ entry foyer and staff lounge provided	Yes
	3.5sqm unencumbered space per child (32 children proposed) = 112sqm	Proposed: 112sqm	Yes
	Legislative standard 3.25sqm per child		

5.4.12.2 (a) - Outdoor play space	7sqm per child required (32 children proposed) = 224sqm	224sqm (including covered verandah area) for rear outdoor play area	Yes
		16sqm outdoor play area at front	
		Total = 240sqm	
	Verandah in outdoor play area shall have a min. 2m width	Compliant width dimensions of min 2m	Yes
	A lawn space at least 15m long should be incorporated	Lawn space more than 15m in length	Yes
	Outdoor play areas must be readily supervisable and designed to allow for a wide range of effective outdoor play activities	External play areas are appropriately landscaped. Deep soil planting provided on perimeter of site.	Yes
	Open area = 1/3 to 1/2 of the total playground area	In accordance with requirement	Yes
	Quiet area = 1/4 to 1/3 of the total playground area	As above	Yes
	Active area = 1/3 of the total playground area	As above	Yes
5.4.12.2 (i) - Shading	2.5sqm per child (162.5sqm) of outdoor play space to be shaded between 10am – 3pm	Appropriate shading provided for rear verandah	Yes
5.4.12.3 – Verandahs	1.25sqm per child	Appropriate verandah areas provided	Yes
	2.5m in width, however a width of 2m will be considered as a minimum	Verandah width greater than 2m	
5.4.12.2 (j) – Sandpits	Sandpits should be: <ul style="list-style-type: none"> <li>- min. depth of 600mm</li> <li>- adequately drained</li> <li>- totally shaded</li> <li>- appropriately covered</li> <li>- so that sand can be swept back into the pit</li> <li>- designed to remove all trip hazards</li> </ul>	Sand pit area provided located at rear north western corner to external play areas which are subject to the relevant requirements	Yes
5.4.12.4 – Signage	Signage to complement the streetscape and not be intrusive	No signage proposed	Yes



5.4.12.5 – Entry and Security	Legible entry points/office to be located within the view of the main entry	Office located adjoining entry	Yes
	Playgrounds must be fenced/gated or opening device within a playground fence is to be fitted with a childproof latch or self-locking device	Appropriate fencing is proposed	Yes
5.4.13.1 (a) - Children's toilets and hand basins	1 per 8 children and one adult toilet with step (20 children aged 2-6)	4 toilets (14.57sqm) located on ground floor	Yes
5.4.13.1 (a) - Staff toilets	1 per 6 staff = 1 toilet is also accessible = 2 toilets	1 provided (10sqm) accessible located on first floor	No (2) refer to discussion below
5.4.13.1 (a) - Disabled toilet	1 to be provided as above	1 provided on first floor	Yes
5.4.13.1 (d) - Staff shower	If greater than 30 children 1 shower required	Shower provided located on first floor within toilet	Yes
5.4.13.1 (e) - Bathroom size	Min. 12sqm with 2.5sqm for each additional toilet required above 3 toilets	14.57sqm located on ground floor	Yes
5.4.13.2 (a)-(c) - Staffroom	12sqm minimum + 2sqm per staff over 6 staff = 14sqm	18sqm	Yes
	Outdoor staff facilities should be provided	No outdoor staff facilities as oversized staffroom provided	No (3) refer to discussion below
5.4.13.2 (d)-(e) - Office	Required	Directors office located on first floor	Yes
5.4.13.3 - Cot Rooms	1 cot for every 2 children under 2 years = 6 required (12 children)	Provided – 4 cots x 1 room, 2 cots x 1 room	Yes
	Maximum 5 cots per room	Maximum 4 cots in a room	Yes
5.4.13.4 - Nappy Change Area	Separate change room	Separate change room provided	Yes
5.4.13.5 - Storage	8sqm for 1 playroom, and up to 16sqm where storage is shared between playrooms	Storerooms provided to each playroom of minimum 9.87sqm on ground floor	No (4) refer to discussion below
5.4.13.6 - Laundry	10sqm	10sqm located on first floor	Yes
5.4.13.7 - Garbage	Minimum 3m x 1m	Provided along front boundary within enclosure	Yes
5.4.13.8 - Craft	1 sink separate from food preparation area	2 craft areas with sinks provided	Yes

5.4.13.9 - Food preparation facilities	Separate designated area from nappy change facilities	Separately located	Yes
5.4.14.1 – Visual Privacy	Provide screenings by trees, fencing and window coverings to minimise noise and overlooking impacts  Locate any playground equipment at least 3m from any boundary with a residential property	Appropriate screen planting provided to perimeter of site, play areas located away from adjoining residential developments	Yes
5.4.14.2 – Acoustic Amenity	Acoustic assessment report by a suitably qualified acoustic consultant must be submitted	An acoustic report prepared by a suitably qualified acoustic consultant accompanies development application. Supported by Council's Environmental Health Officer subject to conditions of consent.	Yes
5.4.14.3 - Fencing	At least 1200mm high	Proposed fencing is appropriate as previously discussed within report up to 1800mm. Acoustic fencing proposed and detailed on architectural plans.	Yes
5.4.13.13 – Hours of operation	New Child Care Centres with >18m frontage and vehicular access points: 7.00am – 6.30pm	Hours of operation proposed: 7.00am – 6.00pm Monday to Friday. Closed on Saturday and Sunday	Yes

<b>Stormwater Assessment</b>	
Existing Stormwater System	Unknown
Proposed Stormwater System	Gravity to street Pump out system from basement
Stormwater objectives for development type met?	Consistent
Slope to rear (measured centreline of site)	No
Gravity to street (from property boundary to street kerb)?	Yes
Discharge into same catchment?	Yes
Easement required?	No
OSD Required?	Yes

(1) Height - Number of storeys

19. Council's controls prescribe a maximum of one (1) storey for child care centres in R2 zone. In this instance, the proposal seeks a departure from this control seeking a two (2)

storey child care centre. The applicant has provided the following justification to the variation to in support of the proposal;

*“The land is located in a mainly residential area characterized by a mixture of single and double storey dwelling houses of various architectural styles and designs. Dwellings 115, 126 and 133 on Croydon Road and 2, 3, 10, 12 and 13 on Gannons Avenue are 2-storey dwellings within close vicinity of the subject site”.*

The applicant provided a character analysis of two (2) storey dwelling properties within the immediate vicinity in support of the proposed two (2) storey built form.

In addition to the above, the proposed variation is considered to be reasonable for the following reasons:

- The proposal adopts a built form similar to that of a two (2) storey dwelling within the locality. The design of the proposal in terms of size, height, roof pitch and articulation is considered to be appropriate in presenting to the public domain and is compatible with the streetscape.
- Compliant levels of solar access are achieved to neighbouring properties. The shadow falls onto the rear (west) of site in the morning, then moves to the south to Gannons Road and to the front of the site (east) in the afternoon.
- The first floor component adopts similar setbacks to a dwelling house proposing setback of 900mm to the northern side boundary matching the proposed ground floor setback below. The proposal seeks a secondary frontage side setback to Gannons Road at 3.4m. Furthermore the proposal seeks a maximum building height of 7.48m which is similar to a dwelling house. Overall this results in appropriate sitting of the building on site.
- The first floor rooms consist of meeting area, directors office, staff room, staff toilet, laundry and kitchen. Playroom areas are located on the ground floor only. The windows along the northern side elevation comprise of block windows and are frosted therefore no material privacy impact arises. Windows fronting the rear western elevation are located 11m from the rear boundary and therefore the proposal is unlikely to result in any material privacy impacts.

For the reasons above, the extent of the variation is considered to be reasonable.

### (2) Staff toilets

20. Clause 5.4.9.1 prescribes a rate of one (1) per six (6) staff requires one (1) toilet. The proposal seeks seven (7) staff. This in turn requires two (2) toilets. The proposal seeks to provide one (1) toilet which is considered to be satisfactory to provide adequate functionality to cater for the use given that it only one (1) additional staff member. It also is noted that Council's new Development Control Plan – Amendment 5 effective 13 July 2016 does not prescribe staff toilet requirements as it relies on regulated industry requirements. This application was lodged prior to this date and new controls taking affect. Given the above, the proposed toilet provided is considered to be adequate in providing sufficient reasonable amenity for this purpose.

### (3) Staffroom - Outdoor staff facilities

21. Council's controls encourage that outdoor staff facilities be provided. The proposal does not seek to provide outdoor staff facilities however provides an oversized staffroom area

of 18sqm (14sqm minimum required) which is considered to be adequate for this purpose. Similar to the above, Council's new Development Control Plan does not prescribe outdoor staff facilities, therefore the extent of the variation is considered to be acceptable.

#### (4) Storage

22. Council's controls prescribe a storage area of 8sqm per playroom. One (1) large playroom is proposed. For the purposes of assessment this is considered to form three (3) playrooms to accommodate each playgroup. A total of 24sqm would be required for all three (3) playrooms. The proposal seeks to provide storage area for three (3) playrooms. A total storage area of 17sqm is provided on the ground floor. Similar to the above, Council's new Development Control Plan does not prescribe storage, therefore the extent of the variation is considered to be acceptable.

## **4. Impacts**

### ***Natural Environment***

23. The proposal is unlikely to result in any unreasonable impacts to the natural environment given the nature of the proposal. Adequate tree replacement planting is proposed.

### ***Built Environment***

24. The proposal is unlikely to have an adverse impact on the built environment and is supported subject to conditions of consent.

### ***Social Impact***

25. It is considered that the proposed child care centre will provide a service that is in demand in the locality and benefit the community. The applicant has submitted traffic and acoustic reports which support the proposal subject to specific recommendations being adopted in the development. The issues raised within the submission to the application are detailed in the report.

### ***Economic Impact***

26. The proposal will provide employment opportunities within the area which will in turn encourage economic growth. The proposed child care centre will provide an in-demand facility to the area and as such the proposal is unlikely to have a detrimental impact on the local economy.

### ***Suitability of the Site***

27. The subject site has no impediments that preclude it being developed for a child care centre. The proposed development is considered suitable for the subject site for the reasons contained within the report. A Section 94A Contribution applies to the site.

## **5. REFERRALS, SUBMISSIONS AND THE PUBLIC INTEREST**

### **Resident**

28. The application was notified/advertised to fourteen (14) adjoining owners/occupiers. In response, four (4) submissions and two (2) petitions with forty one (41) signatures were received. The amended plans were not renotified as this did not generate a greater material impact than the original proposal. The issues raised in the submissions are summarised and discussed as follows.

### ***Increased car parking and traffic impacts, driveway width, road safety to surrounding road network***

29. **Comment:** The proposal has provided compliant car parking on site in accordance with Council's controls. Eight (8) spaces are provided within the basement, drop off parking is located within the basement. A Car Parking and Traffic Impact report prepared by ML Traffic Engineers was considered as part of the assessment process. No car parking and traffic issues were raised by Council's Senior Traffic Engineer subject to conditions of consent subject to additional conditions relating to the provision crash barriers and directional signage are conditioned to improve safety and minimise disruption to traffic. A condition has been imposed to ensure widen the driveway to allow the entering and exiting of vehicles at the same time to Croydon Road.

In this regard, given the nature of the proposed use, the impact is not considered to be excessive or unreasonable.

### **Noise impacts generated by use and children**

30. **Comment:** The proposal will rotate playtimes to minimise and reduce impacts to adjoining neighbouring properties during the day. As stated within the Plan of Management for instance, children are to remain indoors between the hours of 7.00am open – 8.30am and from 5.30pm – 6.00pm close which minimises noise impacts in the morning and late afternoon. An acoustic report and acoustic screening has been proposed to minimise impacts to properties which is supported by Council's Environmental Health Officer. The proposal is not considered to result in any unreasonable noise impacts given the use and hours of operation sought between 7.00am – 6.00pm Monday to Friday. The hours of operation sought comply with Council's controls and are similar to that of child care centres within the locality. In this regard, given the proposed use, the impact is not considered to be excessive or unreasonable.

### **Privacy**

31. **Comment:** The proposal is not considered to result in any adverse material impacts given that the first floor comprises of administration and ancillary rooms only. Windows along this northern first floor elevation form block windows which addresses privacy impacts. The ground floor forms the indoor play area.

### **Waste**

32. **Comment:** The amended proposal incorporates an enclosed waste storage area along Croydon Road. This also contains taps for cleaning and washing purposes.

## **Council Referrals**

### **Team Leader Subdivision and Development**

33. Council's Team Leader Development and Subdivision supports the proposal subject to conditions of consent. Additional conditions have been imposed as follows;

- Provision of on-site detention.
- Relocation of the pit to accommodate the driveway.

### **Senior Environmental Health and Building Surveyor**

34. Council's Senior Environmental Health and Building Surveyor supports the proposal subject to conditions of consent.

### **Environmental Health Officer**

35. Council's Environmental Health Officer supports the proposal subject to conditions of consent.



**Senior Traffic Engineer**

36. Council's Senior Traffic Engineer has assessed the proposal. The proposal complies in terms of parking, grades and basement parking circulation. The proposal is supported subject to additional conditions of consent as follows;

- Crash barriers to be installed along play areas that front Gannons Avenue and Croydon Road.
- Signage of 'No Right Turn' to be posted from exiting the driveway of the site to Croydon Road.

**Public Interest**

37. The proposal is considered to be in the public interest, resulting in an appropriate use of the site which reasonably satisfies the underlying objectives of the controls without unreasonable significant material impact. The proposed use is considered to provide additional child care spaces within the locality.

**6. CONCLUSION**

38. The application is considered to be worthy of approval for the reasons contained within this report. The proposal forms a child care centre which is considered to be commensurate of that other child care centres approved within the locality. Whilst variations to the Development Control Plan are sought, they are not considered to be unreasonable and are supported on planning merit. Therefore the proposal is considered worthy of approval.

**DETERMINATION**

39. THAT pursuant to Section 80(2) of the Environmental Planning and Assessment Act, 1979, as amended, the Council, grants development consent to Development Application DA2016/0106 for demolition of existing structures and construction of new two storey child care centre with basement parking for thirty two (32) children on Lot 2 in DP18208 and known as 123 Croydon Road, Hurstville, subject to the following:

**Schedule A – Site Specific Conditions****GENERAL CONDITIONS**

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

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

Reference No.	Date	Description	Revision	Prepared by
A.002	17 January 2017	Floor Plans and concept stormwater plans	A	FS Architects Pty Ltd
A.003	17 January 2017	Elevations and Section	A	FS Architects Pty Ltd
A.007	17 January 2017	Kitchen Details	A	FS Architects Pty Ltd
LA-01	Dec 2016	Landscape Plan	A	Susan Straton

A.006	Apr 2016	Finishes	-	FS Architects Pty Ltd
-	-	Waste Management Plan	-	FS Architects Pty Ltd
20160328.1	12/04/2016	Acoustic Report	1	Acoustic Logic
-	Received 28 Nov 16	Plan of Management	-	-

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

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

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

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

- (a) Fees to be paid:

**Fee types, bonds and contributions**

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

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

PCA Services Fee	\$2,468.75
Construction Certificate Application Fee	\$2,468.75
Construction Certificate Imaging Fee	\$236.00

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

3. **GEN1014 - Long Service Levy** - Submit evidence of payment of the Building and Construction Industry Long Service Leave Levy to the Principal Certifying Authority. Note this amount is based on the cost quoted in the Development Application, and same may increase with any variation to estimated cost which arises with the Construction Certificate application. To find out the amount payable go to [www.lspc.nsw.gov.au](http://www.lspc.nsw.gov.au) or call 131441. **Evidence of the payment of this levy must be submitted with the Construction Certificate application.**

4. **GEN1015 - Damage Deposit - Minor Works** - In order to insure against damage to Council property the following is required:
- (a) Payment to Council of a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$1,900.00.**
  - (b) Payment to Council of a non refundable inspection fee to enable assessment of any damage and repairs where required: **\$145.00.**
  - (c) At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.
  - (d) Prior to the commencement of work a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal, shall be submitted to Council
  - (e) Payments pursuant to this condition are required to be made to Council before the issue of the Construction Certificate.
  - (f) Fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.
5. **GEN1023 - Section 94A Contributions-** As at the date of Development Consent a contribution of **\$14,700.00** has been levied on the subject development pursuant to Section 94A Contributions Plan. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan.

**The contribution must be paid prior to the release of a Construction Certificate as specified in the development consent**

**Please contact Council prior to payment to determine whether the contribution amounts have been indexed from that indicated above in this consent and the form of payment that will be accepted by Council.**

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

Contributions must be receipted by Council before a Construction Certificate is issued.

The Section 94A Contributions Plan may be inspected at Council's Customer Service Centres or online at [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).

## **SEPARATE APPROVALS UNDER OTHER LEGISLATION**

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

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

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

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

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

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

The relevant Application Forms for these activities can be downloaded from Georges River Council’s website at: [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au)

For further information, please contact Council’s Customer Service Centre on (02) 9330 6400.

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

- (a) Construct a 150mm thick concrete vehicular crossing reinforced with F62 fabric in accordance with Council’s Specifications for vehicular crossings.
- (b) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the beneficiary of this consent and in accordance with Council’s *Specification for Vehicular Crossings and Associated Works*. The work shall be carried out by a private contractor, subject to Council approval.

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

To apply for approval:

- (a) Complete the *Driveway Crossing on Council Road Reserve Application Form* which can be downloaded from Georges River Council's Website at [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. DA2016/0106) and reference this condition number (e.g. Condition 23).
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with Vehicular Crossing applications.

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

- 8. **APR6004 - Engineering - Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the Roads and Maritime Services, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications **before the commencement of work in the road**.
- 9. **APR7003 - Building - Below ground anchors - Information to be submitted with Section 68 Application under LGA 1993 and Section 138 Application under Roads Act 1993** - In the event that the excavation associated with the basement car park is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the Local Government Act 1993 and the Roads Act 1993 for approval, prior to commencement of those works. In this regard the following matters are noted for your attention and details must be submitted accordingly:
  - (a) Cable anchors must be stress released when the building extends above ground level to the satisfaction of Council.
  - (b) The applicant must indemnify Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of Council.
  - (c) Documentary evidence of such insurance cover to the value of ten (10) million dollars must be submitted to Council prior to commencement of the excavation work.
  - (d) The applicant must register a non-terminating bank guarantee in favour of Council in accordance with Council's fees and charges.

The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.
  - (e) In the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors must be borne by the applicant.

## REQUIREMENTS OF OTHER GOVERNMENT AGENCIES



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

10. **GOV1005 - Sydney Water - Tap in** - The approved plans must be submitted to a Sydney Water Tap in online service to determine whether the development will affect any Sydney Water sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water's Tap in online service is available at <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>. The appointed PCA must ensure that a Sydney Water approval has been provided prior to the issue of the Construction Certificate.
11. **GOV1008 - Sydney Water - Section 73 Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Plumbing, Building and Developing section of Sydney Water's website to locate a Water Servicing Coordinator in your area. Visit: [www.sydneywater.com.au](http://www.sydneywater.com.au)

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

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

12. **GOV1007 - Sydney Water - Quick Check** - The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Care Centre to determine whether the development application will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's website: [www.sydneywater.com.au](http://www.sydneywater.com.au)
13. **GOV1009 - Sydney Water - Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act must be submitted to the Principal Certifying Authority prior to the issue of the Occupation/Subdivision or Strata Certificate.

#### **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

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

14. **CC3012 - Development Engineering - Pump-Out System Design for Stormwater Disposal** - The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria: -
  - (a) The pump system shall consist of two (2) 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 (1) hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one (1) hour duration storm of the 1 in 20 year storm;
  - (b) The pump system shall be regularly maintained and serviced, every six (6) months;

and

- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

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

15. **CC4019 - Health - Food Premises - Plans and Specifications** - Details of the construction and fit out of food premises must be submitted to Council's Environmental Health Officer. The plans and specifications must demonstrate compliance with the:

- *Food Act* 2003 (as amended);
- *Food Regulation* 2010 (as amended);
- *Food Standards Code* as published by Food Standards Australia;
- New Zealand and Australian Standard AS4674:2004 *Design, Construction and fit out of food premises (as amended)*;
- Sydney Water - Trade Waste Section.

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

16. **CC7007 - Building - Engineer's Certificate** - A certificate from a practicing qualified Structural Engineer certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**
17. **CC7008 - Building - Access for Persons with a Disability** - Access and sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate application.
18. **CC8007 - Waste - Waste Storage Containers - Child Care Centre** - All waste and recycling containers shall be stored in an approved waste storage area, located in an area of the site that is satisfactory for these purposes. Facilities are to be provided in accordance with any requirements of the NSW Department of Community Services.

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

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

- location of protective site fencing;
- location of site storage areas/sheds/equipment;
- location of building materials for construction, e.g. stockpiles
- provisions for public safety;
- dust control measures;
- method used to provide site access location and materials used;

- details of methods of disposal of demolition materials;
- method used to provide protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/skip bins;
- details of proposed sediment and erosion control measures;
- method used to provide construction noise and vibration management;
- construction traffic management details.

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

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

- (a) The submitted concept hydraulic plan shall be amended to:
- (i) Include an On-site Stormwater Detention system.
  - (ii) Modifications to the existing Council pit within Croydon Road property frontage to drive over and a new kerb inlet pit shall be introduced upstream to the proposed driveway. A new 375mm diameter reinforced concrete pipe shall be provided to extend the pipe line from the existing pit to the new kerb inlet pit. Proposed driveway is to be realigned.

Detailed design of the new works including the proposed stormwater discharge pipe connection to the Council pit shall be submitted to the approval of the Council's infrastructure unit, prior to the issue of the Construction Certificate.

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

- (b) (i) Crash barriers to be installed along play areas that front Gannons Avenue and Croydon Road.
- (ii) Signage of no right turn to be posted from exiting the driveway of the site to Croydon Road.
- (c) Landscape plan to be consistent with approved architectural plans Rev A prepared by FS Architects

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

21. **CC2001 - Development Assessment - Erosion and Sedimentation Control** - Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion and Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) all clean water run-off is diverted around cleared or exposed areas
- (d) silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways

- (e) all erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with Managing Urban Stormwater - Soils and Construction (Blue Book) produced by Landcom 2004.

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

22. **CC2002 - Development Assessment - Site Management Plan - Minor Development -** A Site Works Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.
23. **CC5003 - Trees - Tree Removal and Replacement - Private Land -** Permission is granted for the removal of the following trees:

- (a) Four (4) trees located within the rear yard.

One (1) tree selected from the list of suitable species in the Georges River Council's *Tree Removal and Pruning Guidelines* must be replanted within the rear yard of the subject site. Trees are to be replanted a minimum of 3m away from any driveway, building or structure.

The selected trees shall have a minimum pot size of 50L. A copy of Georges River Council's *Tree Removal and Pruning Guidelines*, can be downloaded from Council's website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).

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

Reference No.	Date	Description	Revision	Prepared by
A.002	Apr 2016	Plans sheet 2	A	-

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

- (a) All stormwater shall drain by gravity to the upper level of Council's kerb inlet pit located within the property frontage of the subject site in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2003 (as amended).
- (b) All stormwater drainage from the basement car park shall drain to Council's kerb and gutter directly in front of the development site by a suitably designed sump and pump system.

All outlets from any pump system must be constructed at 45 degrees to the direction of flow in the street gutter.

- (c) Details of the proposed works affecting the Council's stormwater drainage infrastructure shall be submitted to Council's infrastructure unit approval, prior to

the issue of the Construction Certificate. This shall include the hydraulic grade line analysis for the proposed new 375mm diameter pipe.

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

25. **CC6003 - Engineering - Council Property Shoring** - Prior to the issue of the Construction Certificate, plans and specifications prepared by a qualified and practising structural engineer 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.

26. **CC6005 - Engineering - Traffic Management - Construction Traffic Management Plan (Large Developments only)** - 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, and

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

27. **CC7004 - Building - Structural details** - Structural plans, specifications and design statement prepared and endorsed by a suitably qualified practising structural engineer who holds the applicable Certificate of Accreditation as required under the Building Professionals Act 2005 shall be submitted along with the Construction Certificate application to the Certifying Authority for any of the following, as required by the building design:

- (a) piers
- (b) footings
- (c) slabs
- (d) columns
- (e) structural steel
- (f) reinforced building elements
- (g) retaining walls
- (h) stabilizing works
- (i) structural framework

28. **CC7010 - Building - Geotechnical Reports** - The applicant must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted

**before the issue of the Construction Certificate** and is to include:

- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
- (b) Dilapidation Reports on the adjoining properties prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the Certifying Authority and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
- (c) On-site guidance by a vibration specialist during the early part of excavation.
- (d) Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
- (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

29. **CC3004 - Development Engineering - Stormwater Drainage Plans (By Engineer Referral Only)**

Reference No.	Date	Description	Revision	Prepared by
A.002	Apr 2016	Ground floor plan and stormwater concept plan	A	-

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

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

30. **CC3005 - Development Engineering - On Site Detention**

Reference No.	Date	Description	Revision	Prepared by
A.002	Apr 2016	Ground Floor Plan and Stormwater Concept plan	A	-

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

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

following design parameters:

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

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

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

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

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

- 31. **CC3015 - Development Engineering - Engineering Plans (General)** - Four (4) copies of detailed engineering plans are to be provided to Council with the Construction Certificate application. The detailed plans may include, but not be limited to, details of the earthworks, road works, road pavements, retaining wall details, stormwater drainage, landscaping and erosion control works.
- 32. **CC2009 - Development Assessment - Pre-Construction Dilapidation Report - Private Land** - A qualified structural engineer shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to all adjoining properties:

The report shall be prepared at the expense of the beneficiary of the consent 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 five (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 Principal Certifying Authority.

- 33. **CC3013 - Development Engineering - Stormwater Drainage Plan Details** - Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a qualified practising Hydraulics Engineer shall be submitted with the application for the Construction Certificate.

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

- 34. **CC6004 - Engineering - Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be **designed and** constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).

35. **CC8001 - Waste - Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site, clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Principal Certifying Authority and copy provided to the Manager - Environmental Services, Georges River Council prior to the issue of any Construction Certificate.
36. **CC7002 - Building - Fire Safety Measures prior to Construction Certificate** - Prior to the issue of a Construction Certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a Certifying Authority. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or Certifying Authority will then issue a Fire Safety Schedule for the building.

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

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

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

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

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

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

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



- a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
  - b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Georges River Council advising of the demolition date, details of the WorkCover licensed asbestos demolisher and the list of residents advised of the demolition.
  - c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.
40. **PREC2009 - Development Assessment - Demolition work involving asbestos removal** - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011.
41. **PREC6001 - Engineering - Dial before your dig** - The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.
42. **PREC6002 - Engineering - Dilapidation Report on Public Land - Major Development Only** - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared on Council infrastructure adjoining the development site, including:

The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the Principal Certifying Authority and a copy provided to the Council.

The report must include the following:

- (a) Photographs showing the existing condition of the road pavement fronting the site,
- (b) Photographs showing the existing condition of the kerb and gutter fronting the site,
- (c) Photographs showing the existing condition of the footpath pavement fronting the site,
- (d) Photographs showing the existing condition of any retaining walls within the footway or road, and
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the structural engineer.

The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Council will use this report to determine whether or not to refund the damage deposit after the completion of works.

43. **PREC7001 - Building - Registered Surveyor's Report - During Development Work** - A report must be submitted to the Principal Certifying Authority at each of the following applicable stages of construction:

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (f) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.
- (g) Other.

Work must not proceed beyond each stage until the Principal Certifying Authority is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

44. **PREC7002 - Building - Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the developer's expense.
45. **PREC7004 - Building - Structural Engineers Details - Supporting Council road/footway** - Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting Council's roadways/footways must be submitted to the satisfaction of Council's Building Control Department.

#### **DURING WORK**

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

46. **CON2001 - Development Assessment - Hours of construction, demolition and building related work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed,

or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity shall be permitted to be performed on any Sunday, Good Friday, Christmas Day or any Public Holiday. A penalty infringement notice may be issued for any offence.

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

47. **CON2002 - Development Assessment - Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved separately by Council.
48. **CON3001 - Development Engineering - Physical connection of stormwater to site** - No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's kerb inlet pit in within the property frontage (Gannons Avenue or Croydon Road). Stormwater drainage connection to Council's infrastructure shall be carried out to the satisfaction of the Council's infrastructure engineers.
49. **CON6001 - Engineering - Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc, and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
50. **CON6002 - Engineering - Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act and/or under Section 68 of the Local Government Act 1993. Penalty Infringement Notices may be issued for any offences and severe penalties apply.
51. **CON7001 - Building - Structural Engineer's Certification during construction** - The proposed building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of construction or prior issue of the Occupation Certificate.

#### **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

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

52. **OCC3001 - Development Engineering - Positive Covenant for On-site Detention**

**Facility** - A Positive Covenant is to be created over any on-site detention facility.

This covenant is to be worded as follows:

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

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

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

53. OCC4013 - **Health - Food Premises - Inspection and Registration** - Prior to the issue of any Occupation Certificate or occupation or use of any food premises:
- (a) An inspection of the fit out of the Food Premises must be arranged with Council's Environmental Health Officer;
  - (b) a satisfactory final inspection must have been undertaken by Council's Environmental Health Officer; and
  - (c) the Food Premises must notify and register with Georges River Council of its business details.
54. OCC6006 - **Engineering - Wheel Stops** - Wheel stops must be installed in accordance with Section 2.4.5.4 of the Australian Standards AS/NZS 2890.1 - Parking Facilities - Part 1 Off-Street Car Parking. Wheel stops shall be painted with reflective white paint to ensure night time visibility.
55. OCC7001 - **Building - Fire Safety Certificate before Occupation or Use** - In accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the Regulation. The Fire Safety Certificate must be in the form required by Clause 174 of the Regulation. In addition, each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate must state:
- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
  - (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.
- A copy of the certificate is to be given (by the owner) to the Commissioner of Fire and Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.
56. OCC6002 - **Engineering - Vehicular crossing & Frontage work - Major development** - The following road frontage works shall be constructed in accordance with Council's, *Specification for Vehicular Crossings and Associated Works* together with the *Vehicular Crossing Approval* issued by Council's Engineering Services Division:

- (a) Construct a 150mm thick concrete vehicular crossing reinforced with F62 fabric in accordance with Council's Specifications for vehicular crossings.
- (b) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the beneficiary of this consent and in accordance with Council's *Specification for Vehicular Crossings and Associated Works*. The work shall be carried out by a private contractor, subject to Council approval.

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

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

- 57. OCC7002 - **Building - Slip Resistance** - Floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in wet rooms in any commercial/retail/residential units are to comply with the slip resistant requirements of AS1428.1 (general requirements for access/new building work) and AS1428.4 (tactile ground surface indicators) and AS2890.6 (off-street parking). Materials must comply with testing requirements of AS/NZS4663:2002.
- 58. OCC2005 - **Development Assessment - Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.
- 59. OCC6009 - **Engineering - Stormwater drainage works - Works As Executed** - Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a qualified stormwater engineer, with Works-As-Executed drawings supplied to Council detailing:
  - (a) Compliance with conditions of development consent relating to stormwater;
  - (b) The structural adequacy of the On-Site Detention system (OSD);
  - (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
  - (d) Pipe invert levels and surface levels to Australian Height Datum;
  - (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.
  - (f) Evidence that a positive covenant pursuant to Section 88E of the Conveyancing Act 1919 has been created on the title of the subject property, providing for the indemnification of Council from any claims or actions and for the on-going maintenance of the on-site-detention system and/ (including any pumps and sumps incorporated in the development).

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

## ONGOING CONDITIONS

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

60. **ONG2001 - Development Assessment - Child Care Centre - Staff to Child Ratios** - The licensee of a centre based or mobile children's service must ensure that the ratio of primary contact staff to children being provided with the service is:
- (a) 1:4 in respect of all children who are under the age of 2 years, and,
  - (b) 1:8 in respect of all children who are 2 or more years of age but under 3 years of age, and
  - (c) 1:10 in respect of all children who are 3 or more years of age but under 6 years of age.
- If a centre based or mobile children's service is being provided to a group of children who are not all in the same age bracket, the licensee of the service must ensure that the ratio of primary contact staff to children in the group is the ratio specified in subclause (a)-(c) for the age bracket in which the youngest child in the group belongs.
61. **ONG2002 - Development Assessment - Hours of operation and Number of Children** - The approved hours of operation shall be restricted to the following: 7.00am 6.00pm Monday to Friday. Closed Saturday and Sunday. A maximum of thirty two (32) children are permitted in relation to the child care use.
62. **ONG2009 - Development Assessment – Use of Child Care Centre** - The first floor must not be used for child care playroom purposes. Use of the premises must be in accordance with the approved Plan of Management received 28 November 2016.
63. **ONG4011 - Health - Noise Control** - The use of the premises must not give rise to the transmission of 'offensive noise' to any place of different occupancy. 'Offensive noise' is defined in the Protection of the Environment Operations Act 1997 (as amended).
64. **ONG4015 - Health - Outdoor Lighting - Commercial/Industrial Premises** - Outdoor lighting must comply with AS 4282-1997 - Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire must not exceed the Level 1 control relevant under Table 2.2 of AS 4282. The maximum illuminance and the threshold limits must be in accordance with Table 2.1 of AS 4282.
65. **ONG2003 - Development Assessment - Maintenance of Landscaping** - All trees and plants forming part of the landscaping must be maintained on an ongoing basis. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control and any other operations required to maintain healthy trees, plants and turfed areas.
66. **ONG7002 - Building - Annual Fire Safety Statement** - In accordance with Clause 177 of the Environmental Planning and Assessment Regulation, 2000 the owner of the building premises must cause the Council to be given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:
- (a) Within twelve (12) months after the date on which the fire safety certificate was received.
  - (b) Subsequent annual fire safety statements are to be given within twelve (12) months after the last such statement was given.
  - (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of

the Environmental Planning and Assessment Regulation, 2000.

- (d) A copy of the statement is to be given to the Commissioner of Fire and Rescue NSW, and a further copy is to be prominently displayed in the building.

67. **ONG3006 - Development Engineering - Ongoing maintenance of the on-site detention system** - The Owner(s) must in accordance with this condition and any positive covenant:

- (a) Permit stormwater to be temporarily detained by the system;
- (b) Keep the system clean and free of silt rubbish and debris;
- (c) Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner and in doing so complete the same within the time and in the manner reasonably specified in written notice issued by the Council;
- (d) Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense;
- (e) Not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly;
- (f) Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant;
- (g) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time reasonably stated in the notice;
- (h) Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations;
- (i) Indemnify the Council against all claims or actions and costs arising from those claims or actions which Council may suffer or incur in respect of the system and caused by an act or omission by the Owners in respect of the Owner's obligations under this condition.

## ADVICE

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

68. **ADV7001 - Building - Council as PCA - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the Principal Certifying Authority in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justify the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by

either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

69. ADV7004 - **Building - Council as PCA - Compliance with the BCA** - Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:
- Mechanical air handling, ventilation and car park exhaust system.
  - Essential fire services and equipment including hydrant systems, hose reels, sprinklers, mechanical air handling system, portable fire extinguishers, emergency lights, exit signs, smoke hazard management and warning systems, etc.
  - Smoke hazard management system and associated alarm system, stair pressurisation and fire modelling etc.
  - Emergency lights, exit signs and warning systems.
  - Energy efficiency report demonstrating compliance with the BCA.
  - Protection of wall openings that stand less than 3 metres from the boundary or fire source feature.
  - Fire Separation and Construction between Occupancies
  - Sound Transmission and Insulation between Occupancies
  - A new Fire Engineered Building Report prepared by an accredited fire engineer, confirming that the existing alternative solution implemented in the building will not be rendered ineffective by the proposed building alterations and fit-out works.
  - Floor plan of the whole of the existing building with sufficient details to enable assessment for compliance with the BCA.
70. ADV7005 - **Building - Energy Efficiency Provisions** - Should Council be appointed as the Principal Certifying Authority, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifying Authority. (*Note: Energy efficiency provisions relate only to new building work or the installation of new measure. Existing building fabric and measures may not be upgraded.*)

### Schedule B – Prescribed Conditions

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

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

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

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



relates.

72. PRES1002 - **Clause 98 – Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.
73. PRES1003 - **Clause 98A – Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifying Authority and the Principal Contractor.
74. PRES1004 - **Clause 98B – Home Building Act 1989** - If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.
75. PRES1007 - **Clause 98E – Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

### **Schedule C – Operational & Statutory Conditions**

These conditions comprise the operational and statutory conditions which must be satisfied under the Environmental Planning and Assessment Act 1979 and the Environmental Planning & Assessment Regulation 2000. Please refer to the full details of the Act and Regulations as in force, at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

It is the responsibility of the beneficiary of this consent to determine which operational and statutory conditions apply.

76. OPER1001 - **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited certifier.

An application form for a **Construction Certificate** is attached for your convenience.

77. OPER1002 - **Appointment of a Principal Certifying Authority** - The erection of a building must not commence until the beneficiary of the development consent has:
  - (a) appointed a Principal Certifying Authority (PCA) for the building work; and
  - (b) if relevant, advised the PCA that the work will be undertaken as an Owner-Builder.

If the work is not going to be undertaken by an Owner-Builder, then the beneficiary of the consent must:

- (a) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (b) notify the PCA of the details of any such appointment; and
- (c) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

An **Information Pack** is attached for your convenience should you wish to appoint Georges River Council as the Principal Certifying Authority for your development.

78. **OPER1003 - Notification of Critical Stage Inspections** - No later than two (2) days before the building work commences, the PCA must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the beneficiary of the development consent of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

79. **OPER1004 - Notice of Commencement** - The beneficiary of the development consent must give at least two (2) days notice to the Council and the PCA of their intention to commence the erection of a building.

A **Notice of Commencement Form** is attached for your convenience.

80. **OPER1007 - Critical Stage Inspections** - The last critical stage inspection must be undertaken by the Principal Certifying Authority. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.

81. **OPER1008 - Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before each required inspection needs to be carried out.

Where Georges River Council has been appointed PCA, forty eight (48) hours notice in writing, or alternatively twenty four (24) hours notice by facsimile or telephone, must be given to when specified work requiring inspection has been completed.

82. **OPER1009 - Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

Only the Principal Certifying Authority appointed for the building work can issue the Occupation Certificate.

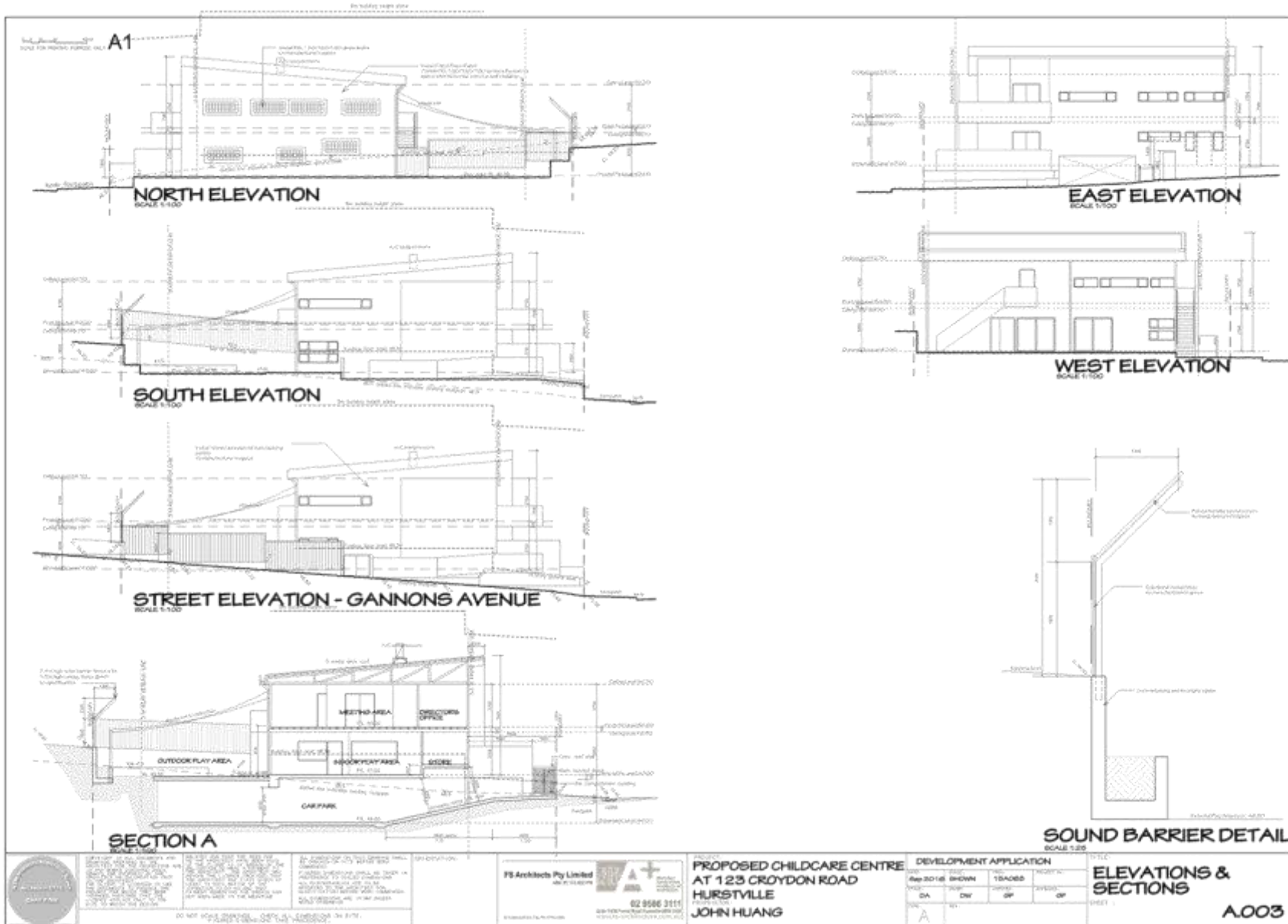
An **Occupation Certificate** Application Form is attached for your convenience.

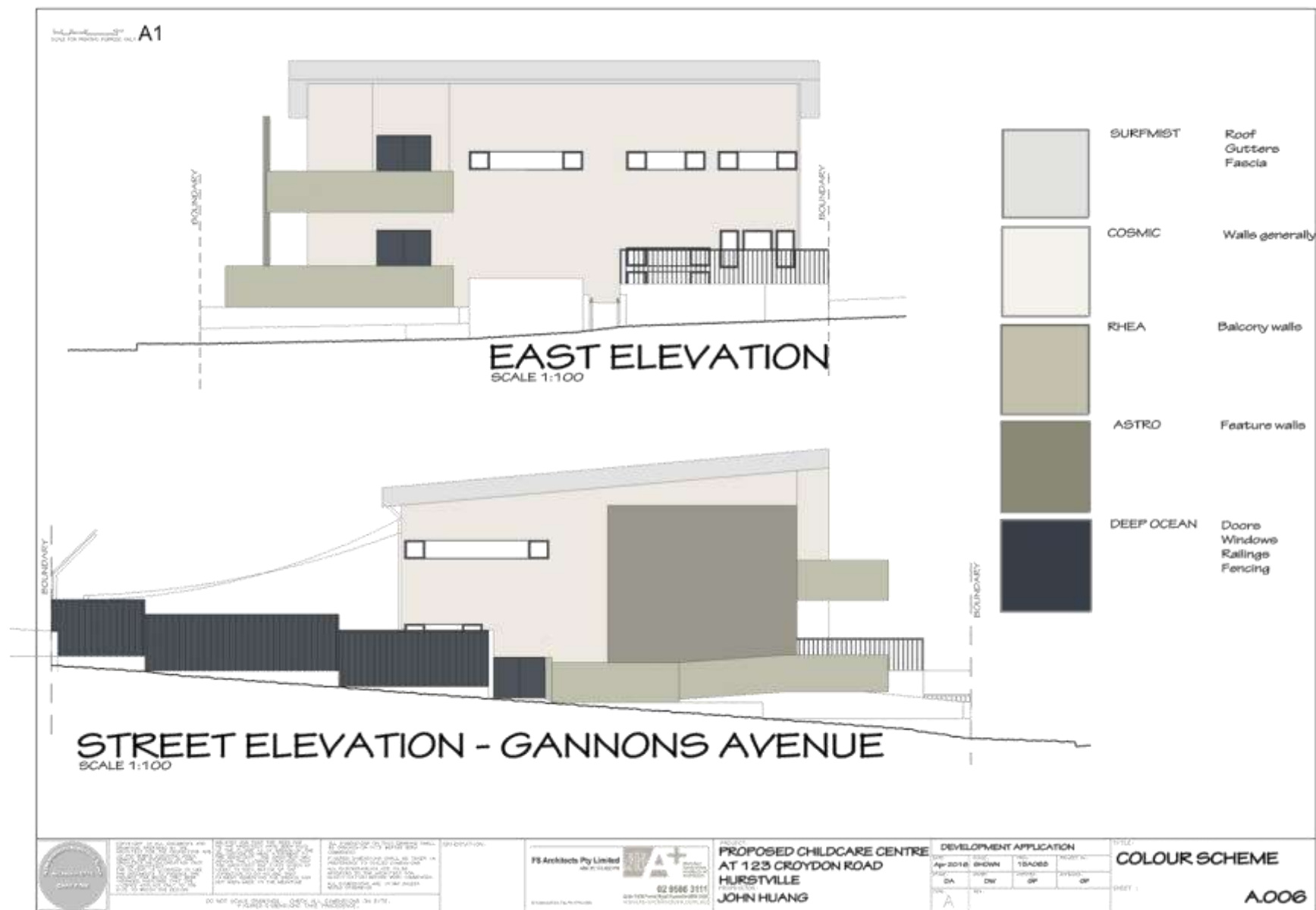
If you need more information, please contact the Development Assessment Officer, below on 9330-6400 during normal office hours.

## ATTACHMENTS

- Attachment [View](#)1 Site /Floor Plan /Concept Stormwater Plans - 123 Croydon Road Hurstville
- Attachment [View](#)2 Elevations and Section - 123 Croydon Road Hurstville
- Attachment [View](#)3 Colour Scheme and Finishes - 123 Croydon Road Hurstville
- Attachment [View](#)4 Plan of Management - 123 Croydon Road Hurstville
- Attachment [View](#)5 Traffic Impact Report - 123 Croydon Road Hurstville
- Attachment [View](#)6 Noise Assessment Report - 123 Croydon Road Hurstville
- Attachment [View](#)7 Landscape Plan - 123 Croydon Road Hurstville







### Plan of Management for propose child care centre at 123 Croydon St Hurstville

The Child Care Centre at 123 Croydon ST Hurstville will be 32 place, privately run, purpose built child care centre. It will provide quality care and education for children aged 0 to 6 years old. The centre is operated in accordance with the requirements of NSW Early Childhood Education and Care Directorate, Department of Education, Georges River Council and Federal Department of Health and Family Service.

A parent, staff and management committee manage the day to day running of the centre.

### Our Centre Philosophy

We believe:

- Children are capable, competent and active learners, and are important contributors to their community. In Reggio Emma, children are considered to be "active and competent protagonists who seek competition through dialogue and interaction with others, in the collective life of the classroom, community, culture." (Edwards, 1995, p.152)
- Positive interactions between children and educators help us to develop reciprocal relationships that teach children to respect the feelings of those around them and to work collaboratively with others.
- That children should be supported to be environmentally responsible and learn to take an active role in caring for the environment.
- Learning environments should be vibrant and welcoming with natural and stimulating resources that are carefully arranged, which engages the children's interests and promotes a sense of well-being.
- Our curriculums and practices based on the Early Years Learning Framework support and promote children as active participants in the learning process and empower them to freely engage in every day experiences, giving them the opportunity to ask questions, invent solutions and predict outcomes as well as experience and reflect on their discoveries.

We achieve this by:

- Giving children time to just "be", allowing them to live in the moment and to explore the world around them.

- Implementing a curriculum that takes into account each child's cultural and community context and builds on the skills and knowledge they bring with them from their home environment
- Promoting and engaging in sustainable practices by embedding them within the program, encouraging children to respect the natural environment and acknowledging our connection to the natural world
- Working in partnership with families and communities, communicating openly and respectfully with families and inviting active participations and engagement in the daily program.
- Planned and spontaneous experiences from our daily programming. We respond the children's emerging interests in an effort to extend and create new learning experiences for them.
- Evaluating and reflecting on a daily basis in order to keep the program fresh, dynamic, engaging and relevant to children, families and educators. -
- Encouraging children to focus on the creative thinking process.

### **How the Centre Operates:**

The Centre operates between 7:00am and 6:00pm Monday to Friday.

The centre provides an educational program for children age 0-5 yrs.

The centre is open all the year.

The centre is closed for all public holidays.

The centre provides all drink, morning tea, lunch and afternoon tea.

### **Early Year Learning Framework**

The aim of Early Year Learning Framework is to extend and enrich children's learning from birth to five years and through the transition to school. The Framework forms the foundation for ensuring that children in all early childhood education and care settings experience quality teaching and learning. It has a specific emphasis on play-



based learning and recognises the importance of communication and language (including early literacy and numeracy) and social and emotional development. The EYLF has been designed for use by early childhood educators working in partnership with families, children's first and most influential educators.

Fundamental to the EYLF is a view of children's lives as characterised by *belonging*, *being* and *becoming*.

- *Belonging* - knowing where and with whom you belong - is integral to human existence
- *Being* - recognises the significance of the here and now in children's lives.
- *Becoming* - reflects the process of rapid and significant change that occurs in the early years as young children learn and grow.

We are guided by EYLF in our curriculum decisionmaking and assists in planning, implementing and evaluating quality in our Centre. Our highest expectations for all children's learning from birth to five years and through the transitions to school is that they reach the following five Learning Outcomes:

- Children have a strong sense of identity
- Children are connected with and contribute to their world
- Children have a strong sense of wellbeing
- Children are confident and involved learners
- Children are effective communicators.

### **National Quality Framework and National Quality Standard**

The National Quality Framework (NQF) is the result of an agreement between all Australian governments to work together to provide better educational and developmental outcomes for children using education and care services.

The NQF introduces a new quality standard to improve education and care across long day care, family day care, preschool/kindergarten, and outside school hours care.

The National Quality Standard (NQS) is a key aspect of the NQF and sets a national benchmark for early childhood education and care, and outside school hours care services in Australia.

### **Assessment and ratings**

Children's education and care services covered under the Education and Care Services National Law are assessed and rated against the NQS. The process reflects a uniform approach to assessment and reporting across the range of service settings.

The National Quality Standard ratings promote transparency and accountability and help parents assess the quality of education and care services available. Every service receives a rating for each quality area and an overall rating. These ratings must be displayed by each service and are published on the ACECQA and the MyChild websites.

Each service receives a rating for:

- seven quality areas, and
- an overall rating.

The seven quality areas covered by the National Quality Standard are:

1. Educational program and practice
2. Children's health and safety
3. Physical environment
4. Staffing arrangements
5. Relationships with children
6. Collaborative partnerships with families and communities
7. Leadership and service management

There are five rating levels within the national quality rating and assessment process:

- Excellent rating, awarded by ACECQA
- Exceeding National Quality Standard
- Meeting National Quality Standard
- Working Towards National Quality Standard
- Significant Improvement Required

### **Eligibility and Priority of Access**

Placements are allocated in accordance with the guidelines as determined by the Federal Department of the Community Services and Health. These are as follows:

- **First priority:** A child at risk of serious abuse or neglect.

- **Second priority:** A child of a single parent who satisfies, or of parents who both satisfy the work/training/study test under section 14 of the Family Assistance Act.
- **Third priority:** Any other child.

Within each category mentioned about the following children are to be given priority:

- Children in Aboriginal and Torres Strait Islander families;
- Children in families which include a disabled person;
- Children in families whose CCB percentage is 100%;
- Children in families with non-English speaking background.
- Children in socially isolated families;
- Children of single parents.

### **Our Daily Routine – Summer\***

7:00 am – Centre opening, quiet indoor activities (all children stay in Caterpillar Room until 8:30)

7:30 am – Breakfast, children who want breakfast wash their hands

8:30 am – Transition older children to Butterfly Room and put their bag away.

Out-door play and craft activities

10:00 am – Morning tea. Nappy change, toilet and wash hands

10:45 am – Pack away out-door play and transition for indoor play

11: 00 am – Music and movement

11: 15 am – Indoor play, Art and craft activities

11: 50 am – Pack away indoor play

12: 00 noon – Small language groups

12:30 pm – Wash hands. Lunch time

1:00pm – Quiet play

1:15 pm – Toilet and nappy change, rest period

2:00 pm – Quiet activities for non-sleepers

2:30 pm - Children gradually get up, get dress, transition to quiet activities, nappy change

3:00 pm - Transition to outdoor play, toilet, wash hands, afternoon tea

4:45 pm - Pack away outdoor play area, transition to Caterpillar Room

5:30 pm - Late snack, indoor quiet activities

6:00 pm - Centre close.

\* This routine is flexible and subject to changes depending on the weather and the interests of the children.

### **Our Daily Routine - Winter\***

7:00 am - Centre opening (all children stay in Caterpillar Room until 8:30), quiet indoor activities

7:30 am - Breakfast, children who want breakfast wash their hands

8:30 am - Transition older children to Butterfly Room, indoor activities, art and craft

9:45 am - Toilet, wash hands, nappy change and morning tea

10:15 am - Music and movement

10:30 am - Transition to outdoor play, craft activities

11: 45 am - Pack away outdoor, transition to indoor

12:00 noon - Indoor small language groups

12:30 pm - Wash hands, lunch time

1:00 pm - Toilet and nappy change, rest period

2:00 pm - Quiet activities for non-sleepers

2:30 pm - Children gradually get up, get dress, transition to quiet activities, nappy change

3:00 pm - Pack away indoor, transition to outdoor play

3:10 pm - Afternoon tea

4:45 pm - Pack away outdoor play area, transition children to Caterpillar Room, quiet indoor activities, nappy change

5:30 pm - Late snack

6:00 pm - Centre close.

\* This routine is flexible and subject to changes depending on the weather and the interests of the children.

### **Meals and Drinks**

Kids Gourmet Food(KGF) will provides the Centre Morning tea, lunch and afternoon tea. KGF prepares healthy, wholesome and fun meals for children in childcare. They consult with nutritionists and dieticians to produce a menu that not only exceeds the national dietary guidelines, it creates a positive and appealing mealtime environment for children in our care. The meals are carefully packaged and delivered to the Centre within hours of being prepared by their chefs. Children with food allergies and special requirements are being safely catered for, without compromising on a fun and healthy mealtime experience.

Natural cold water is available to children at all times, they are able to serve themselves then whenever necessary.

Throughout our program children are taught about health, hygiene, nutrition and safety in many ways at their level of understanding.

### **Rest time**

A rest time is provided as children become fatigued after a busy, physically active morning and need a quiet time to relax. It is a requirement of Department of Community Services that all children in a full day program be given the opportunity to rest.

## **Policy and Procedure Manual**

Our Policies and Procedures manual Folder will be displayed in the Centre. Please feel free to read the policies or ask staff any questions regarding the policies

### **Custody Disputes**

In the case of custody dispute the staff cannot refuse a parent access to their child unless the Nominated Supervisor has sighted documentation of guardianship and/ or access arrangements.

Where a copy of a Family Court Order or Injunctive Orders have been supplied the non-custodial parent will be asked to leave the premises and failing this, the Nominated Supervisor will talk with the parent in a situation as far removed from the children as possible and the other staff members will notify the Guardian and or the Police.

### **Grievance Procedure**

At The Centre we aim to please the families that utilize our service and work hard to ensure that we do the best we possibly can.

However we acknowledge that there will be occasions when some people may have a problem with some aspects of our service but we are dedicated to ensuring that any problem or misunderstandings are settled quickly and efficiently to ensure that healthy relationships between the Center and the families are kept at a premium.

We aim to do this by:

- Listening carefully and respectfully to any grievance brought up by the family.
- Reporting the grievance to the Authorized Supervisor, the staff involved and the management.
- Use Customer Complaint Form to record the grievance.

- The Nominated Supervisor interviewing the family and staff involved regarding the grievance and will make the commitment to ensure that the problem is not repeated.
- Working together with the family, staff, and management to achieve a workable, fair and reasonable solution.
- Taking the relevant action required within the boundaries of the center philosophy to fix the problem.
- Reviewing Center policies and procedures annually in consultation with the families and relevant professionals to ensure that the center is providing the best possible service for the families that are utilizing the Center.
- The Nominated Supervisor contacting the family directly within a reasonable timeframe (not more than one month after the complaint) to ensure that the family is happy with the action taken and that the problem has not been repeated.

Useful contact number:

NSW Government Education & Communities: 1800 619 113

Child Protection Helpline: 132 111

NSW Ombudsman: 9286 1000

### **Programming**

The Centre will use an online system for our daily program management. This system, called QKeYLM which decided by early education professionals is based on the Early Years Learning Framework and also met high quality standard by National Quality Framework (NQF)

The programming included 2 main parts:

1. Room program including curriculum areas, planned experiences each day and reflections
2. Your child's portfolio including planned experiences for the individual child, learning stories/observations, your child's set up goal and progress/evaluations with lot of

Proposed Child Care Centre at 123 Croydon ST Hurstville

9

images.

### **Parent Involvement**

The centre encourages parent participation. Parents are welcome visitors at any time. Parents and other family members are encouraged sharing cultural activities with the children such as craft, cooking and musical experiences. If you have a special talent please let us know.

### **Smoke Free Zone**

The centre is a smoke free zone and smoking within the grounds or building is strictly prohibited.

### **Allergies**

Please inform the centre if your child has any allergies (food and medication) by filling in the relevant section of the enrolment form and informing the staff verbally.

## **Staff Roles and Expectation**

### **Early Childhood Australia Code of Ethics**

In this Code of Ethics the protection and wellbeing of children is paramount and therefore speaking out or taking action in the presence of unethical practice is an essential professional responsibility.

#### **I. In relation to children, I will:**

1. Act in the best interests of all children.
2. Respect the rights of children as enshrined in the United Nations Convention on the Rights of the Child (1991) and commit to advocating for these rights.
3. Recognise children as active citizens participating in different communities such as family, children's services and schools.



4. Work with children to help them understand that they are global citizens with shared responsibilities to the environment and humanity.
5. Respect the special relationship between children and their families and incorporate this perspective in all my interactions with children.
6. Create and maintain safe, healthy environments, spaces and places, which enhance children's learning, development, engagement, initiative, self-worth, dignity and show respect for their contributions.
7. Work to ensure children and families with additional needs can exercise their rights.
8. Acknowledge the uniqueness and potential of all children, in recognition that enjoying their childhood without undue pressure is important.
9. Acknowledge the holistic nature of children's learning and the significance of children's cultural and linguistic identities.
10. Work to ensure children are not discriminated against on the basis of gender, age, ability, economic status, family structure, lifestyle, ethnicity, religion, language, culture, or national origin.
11. Acknowledge children as competent learners, and build active communities of engagement and inquiry.
12. Honour children's right to play, as both a process and context for learning.

## II. In relation to families, I will:

1. Listen to and learn from families, in order to acknowledge and build upon their strengths and competencies, and support them in their role of nurturing children.
2. Assist each family to develop a sense of belonging and inclusion.
3. Develop positive relationships based on mutual trust and open communication.
4. Develop partnerships with families and engage in shared decision making where appropriate.
5. Acknowledge the rights of families to make decisions about their children.
6. Respect the uniqueness of each family and strive to learn about their culture, structure, lifestyle, customs, language, beliefs and kinship systems.
7. Develop shared planning, monitoring and assessment practices for children's learning and communicate this in ways that families understand.
8. Acknowledge that each family is affected by the community contexts in which they engage.
9. Be sensitive to the vulnerabilities of children and families and respond in ways that empower and maintain the dignity of all children and families.
10. Maintain confidentiality and respect the right of the family to privacy.

**III. In relation to colleagues, I will:**

1. Encourage my colleagues to adopt and act in accordance with this Code, and take action in the presence of unethical behaviours.
2. Build collaborative relationships based on trust, respect and honesty.
3. Acknowledge and support the personal strengths, professional experience and diversity which my colleagues bring to their work.
4. Make every effort to use constructive methods to manage differences of opinion in the spirit of collegiality.
5. Share and build knowledge, experiences and resources with my colleagues.
6. Collaborate with my colleagues to generate a culture of continual reflection and renewal of high quality practices in early childhood.

**IV. In relation to communities, I will:**

1. Learn about the communities that I work within and enact curriculum programs which are responsive to those contexts and community priorities.
2. Connect with people, services and agencies within the communities that support children and families.
3. Promote shared aspirations amongst communities in order to enhance children's health and wellbeing.
4. Advocate for the development and implementation of laws and policies that promote child-friendly communities and work to change those that work against child and family wellbeing.
5. Utilise knowledge and research to advocate for universal access to a range of high-quality early childhood programs for all children.
6. Work to promote community understanding of how children learn in order that appropriate systems of assessment and reporting are used to benefit children.

**V. In relation to students, I will:**

1. Afford professional opportunities and resources for students to demonstrate their competencies.
2. Acknowledge and support the personal strengths, professional knowledge, diversity and experience which students bring to the learning environment.
3. Model high-quality professional practices.
4. Know the requirements of the students' individual institutions and communicate openly with the representatives of that institution.

5. Provide ongoing constructive feedback and assessment that is fair and equitable.
6. Implement strategies that will empower students to make positive contributions to the workplace.
7. Maintain confidentiality in relation to students.

**VI. In relation to my employer, I will:**

1. Support workplace policies, standards and practices that are fair, non-discriminatory and are in the best interest of children and families.
2. Promote and support ongoing professional development within my work team.
3. Adhere to lawful policies and procedures and when there is conflict, attempt to effect change through constructive action within the organisation or seek change through appropriate procedures.

**VII. In relation to myself as a professional, I will:**

1. Base my work on contemporary perspectives on research, theory, content knowledge, high-quality early childhood practices and my understandings of the children and families with whom I work.
2. Regard myself as a learner who undertakes reflection, critical self-study, continuing professional development and engages with contemporary theory and practice.
3. Seek and build collaborative professional relationships.
4. Acknowledge the power dimensions within professional relationships.
5. Act in ways that advance the interests and standing of my profession.
6. Work within the limits of my professional role and avoid misrepresentation of my professional competence and qualifications.
7. Mentor other early childhood professionals and students.
8. Advocate in relation to issues that impact on my profession and on young children and their families.
9. Encourage qualities and practices of leadership within the early childhood profession.

**VIII. In relation to the conduct of research, I will:**

1. Recognise that research includes my routine documentation and investigations of children's learning and development, as well as more formal research projects undertaken with and by external bodies.
2. Be responsive to children's participation in research, negotiating their involvement taking account of matters such as safety, fatigue, privacy and their interest.
3. Support research to strengthen and expand the knowledge base of early childhood, and where possible, initiate, contribute to, facilitate and disseminate such research.
4. Make every effort to understand the purpose and value of proposed research projects and make informed decisions as to the participation of myself, colleagues, children, families and communities.
5. Ensure research in which I am involved meets standard ethical procedures including informed consent, opportunity to withdraw and confidentiality.
6. Ensure that images of children and other data are only collected with informed consent and are stored and utilised according to legislative and policy requirements.

Represent the findings of all research accurately.

### **Job Description - Nominated Supervisor**

Nominated Supervisor responsible for managing the day-to-day operation of the service to ensure implementation and compliance with the National Quality Framework, which encompasses the Education and Care Services National Law and Regulations the National Quality Standards, in conjunction with Management.

Nominated Supervisor responsible for compliance with the current Child Care Services Handbook.

#### **SPECIFIC RESPONSIBILITIES:**

##### **Administration:**

- Manage the day-to-day operations of the service in line with the NQF and as directed by Management.
- Monitor and contribute to the development of the Quality Improvement Plan (QIP). Review and revise the QIP as required by the Regulations (Regulation 55-56).
- Oversee the assessment and rating visit by the Regulatory Authority.

- Keep up to date with relevant legislation and communicate any changes to management and educators.
- Ensure compliance with the service policies and procedures. Develop and evaluate policies and procedures in collaboration with Management.
- Ensure maintenance, storage and confidentiality of all family, children and educator's records.
- Process family fee payments and issue invoices/ receipts in a timely manner.
- Manage Child Care Benefit (CCB) claims; process family fee payments, records and reports in accordance with CCB legislation.
- Manage enrolments in accordance with DEEWR Priority of Access Guidelines.
- Ensure procedures are in place to ensure that all educators and other staff comply with the service's policies and procedures.
- Contribute to the development of the annual budget and manage expenditure in line with the agreed budget.
- Monitor petty cash expenditure and prepare a reconciliation for Management on a monthly basis.
- Manage promotional opportunities for the service, in consultation with Management.
- Participate in workshops, forums and other educational opportunities as necessary to increase personal knowledge, keep up to date with industry trends and share this knowledge with the educators and management where appropriate.
- Ensure that all prescribed information to be displayed (Regulation 173) is clearly on display within the service.
- Meet with the Management regularly (service to specify) and provide a detailed report of current and future activities and issues.
- Ensure adequate operational, licensing, risk management and work health and safety procedures are implemented and regularly reviewed.
- Purchase materials/resources and equipment for the service in consultation with management.
- Ensure that copies of the Regulations, Law, Awards and other relevant legislation are kept accessible at the service.
- Undertake any other duties as determined by management from time to time.

**Staff Management:**

- Ensure there are procedures in place for a certified supervisor to be placed in day-to-day charge of the service when the need arises.
- Interview and recommend the appointment of new staff in consultation with management. Maintain a casual staff list.

- Ensure all educators and staff are aware of their responsibilities under the NQF and have access to the Regulations and Law.
- Ensure all educators and staff are provided with a current Job Description.
- Follow Working With Children Check procedures for educators, volunteers, students and other staff who may have direct contact with the children.
- Ensure staff records/personnel files are established and maintained.
- Implement specified conflict resolution and problem solving techniques where necessary.
- Ensure educator's wages are accurately processed in a timely manner.
- Ensure annual performance reviews are conducted for all permanent educators and individual training and development plans are created and maintained.
- Recommend professional development or training opportunities for educators as appropriate.
- Effectively delegate duties to team members as appropriate.
- Monitor staff leave entitlements.
- Convene regular staff meetings and provide management with minutes.

**Work, Health & Safety:**

- Ensure compliance with the service's Work, Health & Safety Policies and Procedures.
- Maintain the work environment so as to minimise risk to children, educators and visitors to the service. Report identified risks so that action can be taken to rectify the issue.
- Ensure the emergency and evacuation procedures are maintained and rehearsed in accordance with the Regulations (Regulation 97).
- Respond appropriately to accidents or emergencies and ensure First Aid is applied as necessary, ensuring all treatments are recorded and the family and or regulatory authority is notified accordingly.

**Program:**

- Provide educators with guidance, written instruction and resources to develop, plan and implement quality programs for children that meets their physical, emotional, intellectual and social needs and which comply with the Framework for School Age Care - My Time Our Place.
- Ensure that processes are in place to comply with the requirements of the Regulations in relation to educational program and practice (Regulation 73-76).
- Utilise approved procedures to meet each child's needs, having regard to the views of the families; advice provided by specialist advisors assisting families

(where applicable); children with additional needs (and the families of these children) and the religious, cultural and linguistic requirements of the children and families.

- Ensure the program is monitored and evaluated on a regular basis by the educators and in consultation with families, children and management and that the evaluations are documented.
- Ensure that the written program is displayed at a place accessible to parents and that a copy is available on request.
- Ensure that appropriate program resources are maintained and budgeted for.

### **Job Description - Room Leader**

**Key Responsibilities:** to be responsible for the room management, including the children, program, staff, safety and environment. To ensure a high quality Service is consistently maintained in all areas and aspects of the Service.

To ensure an inclusive environment is developed for all children, regardless of race, abilities, beliefs and values. The environment will foster children's safety, security, positive relationships, be challenging, warm and caring. You will build positive trusting, two way relationships with parents. To act as a positive role model, to be an active team member, conveying respect and guidance to other colleagues.

#### **Children**

In respect to the Children, the Room Leader will:

- Plan for the long, short-term and spontaneous needs of the children using observations and knowledge in relation to interests, skills, abilities, background and culture.
- Treat each of the children equally with respect and dignity, taking into consideration any cultural, socio-economic and other diversity.
- Role model appropriate behaviour and language.
- Speak to the children in a friendly, courteous manner encouraging children to extend their vocabulary and use of language.
- Establish and maintain suitable developmental records and observations daily based on the Centre's philosophy.
- Implement effective behaviour management techniques and strategies, which are consistent with the Centre's policies.
- Ensure that a safe, clean hygienic environment exists at all times.

#### **Program**

In respect to the Program the Room Leader will:

- Be responsible to the Director for planning and implementing a program within the Early Years Learning Framework, based on needs, interests and development. It will be appropriate and suitable to the children in your care.
- Be responsible for developing a plan with specific individual planning, responsive to the special needs of the parents and children in the group. Make specific use of observations and family background information in the planning process.
- To create a friendly, secure, stimulating and interactive learning environment for the children at all times.
- To display your professional philosophy, aims, objectives, goals and program outline in your room for viewing by colleagues, parents and other visitors.
- To have programming folders available for the Directors perusal at any time.
- Ensure that the room has all documented signs, toys and equipment as per Centre expectations.

#### **Policies**

In respect to the Centre Policies and procedures, the Room Leader will:

- Maintain the procedures, policies and practices in the Centre
- Communicate these documents to parents, colleagues, casuals and volunteers.
- Regularly review and update documents in consultation with other professionals, staff and parents.
- Contribute to the updating of the policies and procedure documents.

#### **Staff**

In respect to the staff, the Room Leader will:

- Attend all staff meetings held monthly and as required.
- Participate in at least two Professional Development courses annually
- Implement methods of effectively using the skills of the staff members working with the children.
- Where possible provide professional support, input and resources for other staff members. Contribute positively to the philosophy, goals and activities of the Centre. Share information and professional knowledge and experiences with other staff and parents and interested visitors.
- Attend conscientiously to the HEALTH AND SAFETY of each of the children.
- Develop a co-operative relationship with all staff members to ensure a smoothly operated Centre and a consistently caring, secure and active environment where quality care and education is provided for all children at all times

#### **Parents**

In respect to the Parents, the Room Leader will:

- Develop a good report with the parents. Learning their names.
- Plan and implement, in conjunction with the Director, methods of establishing positive liaisons with parents of the children attending the Centre.

Proposed Child Care Centre at 123 Croydon ST Hurstville



- Be available for the parent's daily- morning and afternoon for discussion and communication of individual needs.
- Inform parents about the program and consult with the parents about their child's individual needs.
- Encourage effective use of Communication Books, verbally and physically explain room procedures.
- Be aware of the medication requirements daily and administer medication as per Centre policy.

#### **Communication & Development**

In respect to the Communication & Development, the Room Leader will:

- Establish and maintain effective communication systems with staff and parents.
- Participate in formal and informal processes of communication and Professional development exchange with staff and parents:
- Attend a minimum of two in-services per year
- Attend staff meetings
- Ensure information is passed onto parents.
- Keep staff & parent notice boards update

#### **Community**

In respect to the Community, the Room Leader will

- Actively participate in seeking and establishing networks within the community.
- Be aware of the diverse needs of the Community using the Centre. To assist the Director in establishing a system of referral for families.
- Participate and initiate a two-way relationship with the community, such as excursions and visitors to the Centre.

#### **Records**

In respect to Records, the Room Leader will:

- Maintain your room records as per required for child records, planning, programming and reflections.
- Maintain Centre records as per required for room routines, dairy and other administrative tasks as set out by the Director.
- To maintain clear and precise records for all aspects of managing the Service.
- To take the responsibility for the safety of the Centre's environment and its equipment. Report any hazard or losses immediately

**In respect to NQF, the Room Leader will:**

- Ensure high quality service outcomes are consistently delivered within the room and the Service
- To consistently work within the New Quality Framework.
- Have a sound knowledge of Education and Care Services Regulation.

#### **Code of Ethics**

Proposed Child Care Centre at 123 Croydon ST Hurstville

In respect to the Code of Ethics, The Room Leader will:

- Have a sound Knowledge of the Australian Early Childhood Code of Ethics.
- Will abide by the values and processes that are considered central to the Early Childhood Code of Ethics.

### **Job Description – Educational Leader**

The educational leader has an influential role in inspiring, motivating, affirming and also challenging or extending the practice and pedagogy of educators. It is a joint endeavour involving inquiry and reflection, which can significantly impact on the important work educators do with children and families.

National Quality Framework requirements

The educational leader role is part of Quality Area 7 - Leadership and Service Management in the National Quality Standard (NQS). Standard 7.1 in the NQS requires that effective leadership promotes a positive organisational culture and builds a professional learning community. Further to this, element 7.1.4 requires that provision is made to ensure a suitably qualified and experienced educator or coordinator leads the development of the curriculum and ensures the establishment of clear goals and expectations for teaching and learning.

Educational leader strategies :

The most effective educational leader views their role as collegial and seeks to play an integral role in mentoring, guiding and supporting educators.

As part of continuous improvement, the educational leader should consider what strategies are needed to improve the educational program in the approved service.

Strategies might include:

- leading and being part of reflective discussions about practice and implementing the learning framework
- mentoring other educators by leading quality practice
- discussing routines and how to make them more effective learning experiences
- observing children and educator interactions, and making suggestions on how to improve interactions and intentional teaching
- talking to parents about the educational program.
- working with other early childhood professionals such maternal and child health nurses and early childhood intervention specialists
- considering how the program can be linked to the community by working with other community services and groups such as Aboriginal Elders

- establishing systems across the service to ensure there is continuity of learning when children change room or attend other services, and then in their transition to school
- assisting with documenting children's learning and how these assessments can inform curriculum decision making.

## **Job Description – Assistant**

**Key Responsibilities:** For the Assistant to assist the Room Leader in the delivery of a high quality program. To ensure a high quality Service is consistently maintained in all areas and aspects of the Service.

To ensure an inclusive environment is developed for all children, regardless of race, abilities, beliefs and values. The environment will foster children's safety, security, positive relationships, be challenging, warm and caring. You will build positive trusting, two way relationships with parents. To act as a positive role model, to be an active team member, conveying respect and guidance to other colleagues.

### **Children**

In respect to the Children, the Assistant will:

- Treat each child with dignity and respect taking into account any cultural or socio-economic or other differences.
- Roll model appropriate behaviour and language.
- Be responsible for the children when the Room Leader is not present.
- In consultation with the Centre's policies and the Room Leader, implement the agreed behaviour management strategies and techniques with consistency.
- Assist in the keeping and updating of children's records and observations.
- Speak to the children in a friendly, courteous manner encouraging children to participate in communication in order to extend their vocabulary and use of language.

### **Program**

In respect to the Program, the Assistant will:

- Assist in the programming, planning, implementation and reflection of the program in consultation with the Room Leader.
- Assist in the implementation of the Early Years Learning Framework.
- Assist in the planning and preparing of the inside and outside environment, setting up of interest areas, preparing and clearing away materials and supplies.
- Interact with the children in indoor and outdoor activities.

- Take responsibility for the cleaning and disinfecting of equipment and resources used in the room.
- Support the morning and afternoon program for the mixed age group

#### **Policies**

In respect to the Centre Policies and procedures, the assistant will:

- Maintain the procedures, policies and practices in the Centre
- Communicate these documents to parents, casuals and volunteers.
- Regularly review and update documents in consultation with other professionals, staff
- and parents.
- Contribute to the updating of the policies and procedure documents.

#### **Staff**

In respect to the Staff, the Assistant will:

- Attend all staff meetings held monthly or when required.
- Assist the Room Leader or Director in any other appropriate way where the need arises.
- Plan and implement, in conjunction with the Director and Room Leader, methods of
- establishing positive liaison with the parents of the children attending the Centre.
- Attend conscientiously to the HEALTH AND SAFETY of each child.

#### **Parents**

In respect to the Parents, the Assistants will:

- Attend several Parent Meetings per year, a minimum of two.
- Be available for parents daily - morning and afternoon for discussion and communication
- of information about the needs of each individual child. Learn the parent's names.
- Inform the parents about the program and consult with the parents about their children's

#### **individual needs**

- Encourage the effective use of Communication Books in Caterpillar Room
- Be aware of the medication requirements daily and administer medication as Centre

#### **policy.**

##### **Communication and Development**

In respect to the Communication & Development, the Assistants will:

- Establish and maintain effective communication systems with staff and parents.
- Participate in formal and informal processes of communication and

- professional development exchange with staff and parents:
- Attend a minimum of two in-services per year
- Attend staff meetings
- Ensure information is passed onto parents.
- Keep staff & parent notice boards updated
- Read and use Staff communication book to keep up to date information

#### **Community**

In respect to the Community, the Assistants will:

- Actively participate in establishing networks within the community.
- Be aware of the diverse needs of the Community using the Centre. To assist the
- Centre to establish a system of referral for families.
- Participate in a two-way relationship with the community, such as excursions and
- visitors to the Centre.

#### **Records**

In respect to Records, the Assistants will:

- Maintain Centre records as per required for room routines, licensing, assessment, etc
- To maintain clear and precise records for all aspects of managing the Service.
- Licensing and Accreditation
- In respect to Licensing, the Assistants will:
- Have a sound knowledge of the Education and Care Services Regulations.
- To implement and adhere to all Department Licensing and regulations within the Centre at all times.
- To consistently work within the Licensing guidelines.
- In respect to Accreditation, the Assistants will:
- Ensure high quality service outcomes are consistently delivered within the Service.
- To actively participate in the Centre's Accreditation process, evaluating, addressing and reviewing the Service outcomes
- To consistently work within the New Quality Framework.

#### **Code of Ethics**

In respect to the Code of Ethics, The Assistant will:

- Have a sound Knowledge of the Australian Early Childhood Code of Ethics
- Will abide by the values and processes that are considered central to the Early Childhood Code of Ethics.



## **PROPOSED CHILD CARE CENTRE**

### ***123 Croydon Road, Hurstville***

#### Car Parking and Traffic Impact Report

Prepared for: Kim's Kindy c/o FS Architects

A1614458N (Version 1.1)

May 2016

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ML Traffic Engineers Pty Ltd  
ABN 69 148 048 257



## 1. INTRODUCTION

ML Traffic Engineers was commissioned by Kim's Kindy c/o FS Architects to undertake a traffic and parking impact assessment for a proposed child care centre at 123 Croydon Road, Hurstville.

In the course of preparing this report, the subject site and its environs have been inspected, plans of the proposal examined, and all relevant traffic and parking data collected and analysed.

## 2. BACKGROUND AND EXISTING CONDITIONS

### 2.1 Location and Land Use

The subject site currently contains a detached residence. Nearby land uses are residential.



Figure 1: Location of the Subject Site





## 2.2 Road Network

Croydon road is a wide (its 12m's width is sufficient to accommodate kerbside parking on both sides of the road or room for traffic to pass as cars are turning right into the side streets assuming there are no cars parked along the kerb at that point in time, and allow simultaneous bi-directional traffic) sub-arterial road with a north-west to south-east orientation.



Figure 2: Croydon Road – looking towards the South-East



Figure 3: Gannons Avenue – looking towards the North-East





## 2.3 Public Transport

The subject site has (varying levels of) access to several bus routes:

Route 490 - Drummoyne to Hurstville

Type: Bus

Nearest stop: Bexley Milk Bar Croydon Rd, Bexley, 57 meters

From: Kingsgrove Bus Depot, Richland St, Kingsgrove

To: Hurstville Interchange, Stand D, Hurstville

Route 455 - Rockdale Plaza to Kingsgrove via Kogarah, Hurstville & St George Hospital

Type: Bus

Nearest stop: Weston Rd near Kimberley Rd, Hurstville, 482 meters

From: Rockdale Plaza - Northbound Services, Rockdale

To: Shaw St at Kingsgrove Rd, Kingsgrove

Route 491 - Five Dock to Hurstville

Type: Bus

Nearest stop: Kenyon Rd near Croydon Rd, Bexley, 484 meters

From: First Av near Great North Rd, Five Dock

To: Hurstville Interchange, Stand D, Hurstville

Route 492 - Drummoyne to Rockdale

Type: Bus

Nearest stop: Stoney Creek Rd near Caroline St, Kingsgrove, 658 meters

From: Kingsgrove Bus Depot, Richland St, Kingsgrove

To: Omnibus Rd near Kingsgrove Rd, Kingsgrove

Route 446 - Roselands to Kogarah via Earlwood, Bardwell Park & Bexley North

Type: Bus

Nearest stop: Laycock St near Stoney Creek Rd, Bexley, 773 meters

From: Roselands Shopping Centre, Roseland Ave, Roselands

To: St George Hospital, Kensington St, Kogarah

## 2.4 Existing Traffic Conditions

Existing traffic volumes were carried out on Croydon Road in the vicinity of the subject site, on Thursday, 17<sup>th</sup> March 2016, between 7.45am and 8.45am, and between 4.45pm and 5.45pm.

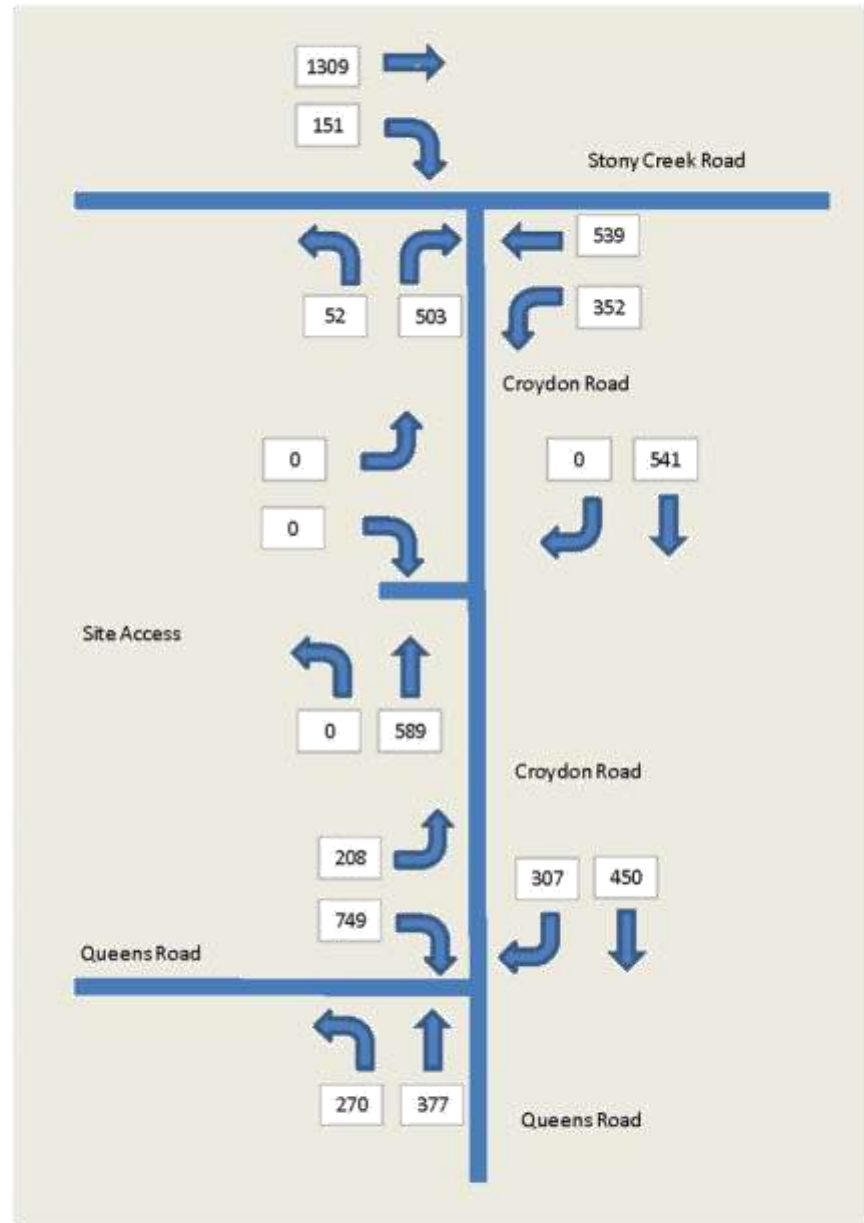


Figure 3: Existing AM Peak Period Turning Volumes

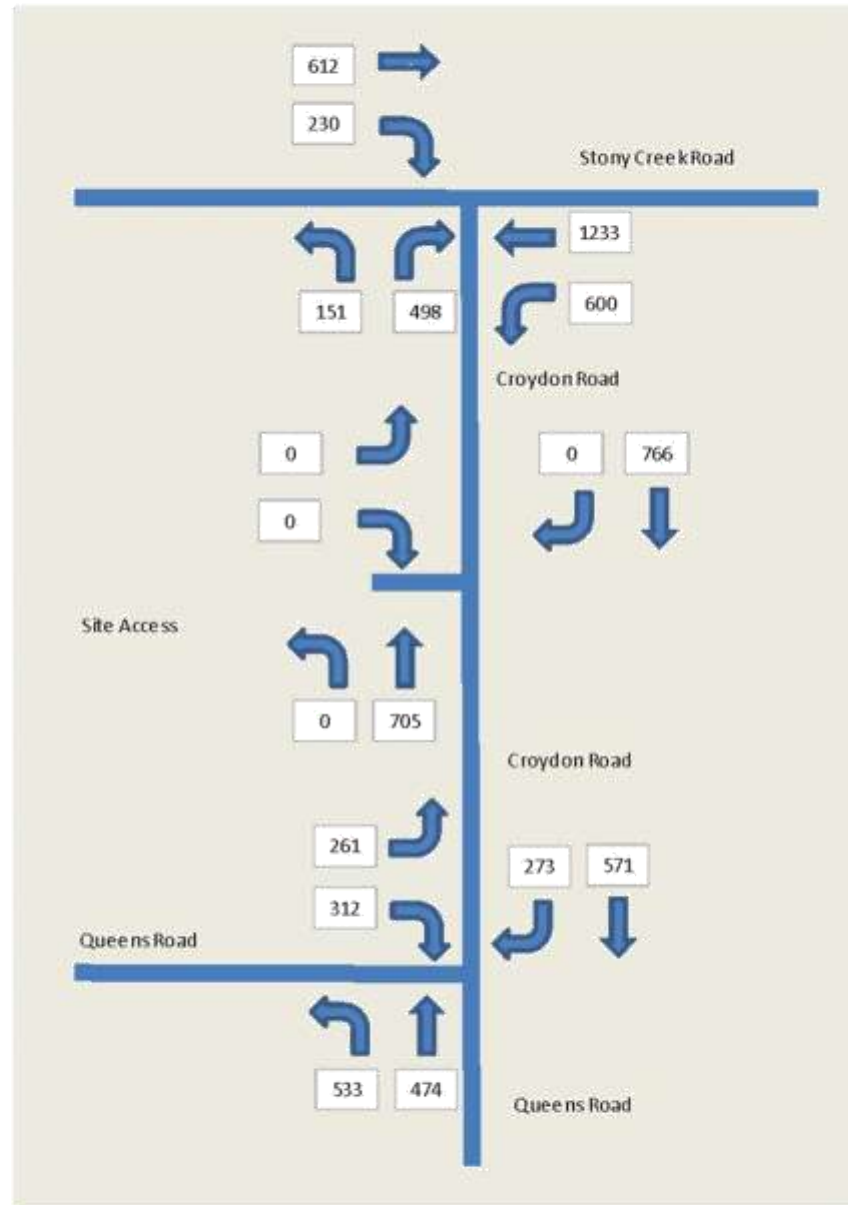


Figure 4: Existing PM Peak Period Turning Volumes



### 3. PROPOSAL

The proposal is to demolish the existing built form and to construct a child care centre catering to 32 children. 6 standard and 2 disabled car parking spaces will be provided on-site, with access occurring via single driveway on Croydon Road.

### 4. ACCESS AND CAR PARKING CONSIDERATIONS

#### 4.1 Planning Scheme Assessment

The car parking requirements for the proposal are contained within Hurstville Development Control Plan (DCP) 1 Section 5 – Controls for Specific Non-Residential Uses, specifically Section 5.4.10.1. The rates are:

- 1 staff space for every 2 staff members on-site at any one time, with on-site staff spaces to be clearly marked and sign posted. Applicable to this application.
- 1 parent space for every 10 children for proposals where no drive-through is provided. Applicable to this application.
- 1 parent space for every 15 children for proposals where a separate entry and exit one way drive-through access is provided. Not applicable to this application.

The proposal requires 4 staff spaces and 4 parents' spaces, i.e. a total of 8 spaces.

#### 4.2 Adequacy of Proposed Vehicular Access and Parking Layout

The following comments apply to the proposed car park:

- 1.0m blind aisle extensions are incorporated at both ends of the car park aisle.
- Suggested staff spaces are 1, 6 and 8. This reduces parking turnover for "end" spaces.
- Ramp grades are satisfactory with 1:20 for the 1<sup>st</sup> 4m and 1:8 for the next 6.7m.
- AS2890.1:2004 requires the first 6m of ramp to be at 1:20 grade – to minimise the drop in the exiting driver's eye height for the sighting of pedestrians on the footpath. A 4m length for the 1:20 section achieves the same purpose – as the entire wheelbase of a B85 and a B99 vehicle will be positioned within this length of ramp with the car's front bumper bar at the property line.



- Minimum headroom of 2.2m needs to be provided where the driveway is enclosed within the building structure.
- Driveway width is 3.6m as measured between wall to wall. This satisfies AS2890.1:2004's requirement for 0.3m clearances to each obstruction greater than 150mm in height, for a driveway (3.0m width) that accommodates traffic in one direction at a time.
- 2.5m deep by 2.0m wide sight triangles at the top of the ramp are provided – for sighting pedestrians on the footpath.
- Spaces that “face” the entry/exit driveway (i.e. spaces 1, 2, 3, 4, 5 and 6) require 4-point turn (reverse, forward, reverse, forward) exit manoeuvres. This is due to the need to manoeuvre the vehicle 180 degrees relative to the parked orientated to exit.

#### **4.3 Adequacy of Site Servicing Layout**

Waste collection will be undertaken on Croydon Road. It is envisaged that bins will be moved to the verge for kerbside collection.

#### **4.4 Management of Pedestrian and Vehicle Interaction**

The following measures will be implemented to mitigate risks associated with vehicle and pedestrian (from the general public) movements:

- Relatively shallow 1:20 grade for the first 4m of ramped driveway.
- Sight-triangles at the top of the ramp.



## 5. TRAFFIC IMPACT CONSIDERATIONS

### 5.1 Traffic Generation Rate

Traffic generation data from 2 sites were used to derive a rate for the proposed child care centre – at 0.87 trip per child in the morning peak hour and 0.72 trip per child in the afternoon peak hour. Afternoon pick-up traffic generation is lower due to the larger spread of pick-up hours. See Table 1. These rates are slightly higher than the NSW RTA Guide to Traffic Generating Development's rates for long-day care centres at 0.8 trip per child in the morning peak hour and 0.7 trip per child in the afternoon peak hour.

Location	Capacity	Peak Hour Traffic Generation		Peak Hour Traffic Generation Rate per Child	
		AM	PM	AM	PM
35 Lakewood Drive, Knoxfield	67 children	66	54	0.99	0.81
168 Canterbury Road, Blackburn	80 Children	60	50	0.75	0.63
Average				0.87	0.72

**Table 1: Traffic Generation data from Past Child Care Centre Studies**

The proposed 32 children child care centre will generate 28 trips per hour (16 in and 12 out) in the morning peak period and 23 trips per hour in the afternoon (10 in and 13 out) peak period.

Peak staff arrivals and departures do not concur with peak drop-off and pick-up. A small number will arrive before the centre opens, and depart after the centre closes.

### 5.2 Traffic Generation and Distribution

It is expected that all of the site's generated traffic will be contained along Croydon Road. Traffic distribution to the north and south will be around 50% and 50% respectively.

Figures 5 and 6 present the additional traffic volumes during AM and PM peak hours.



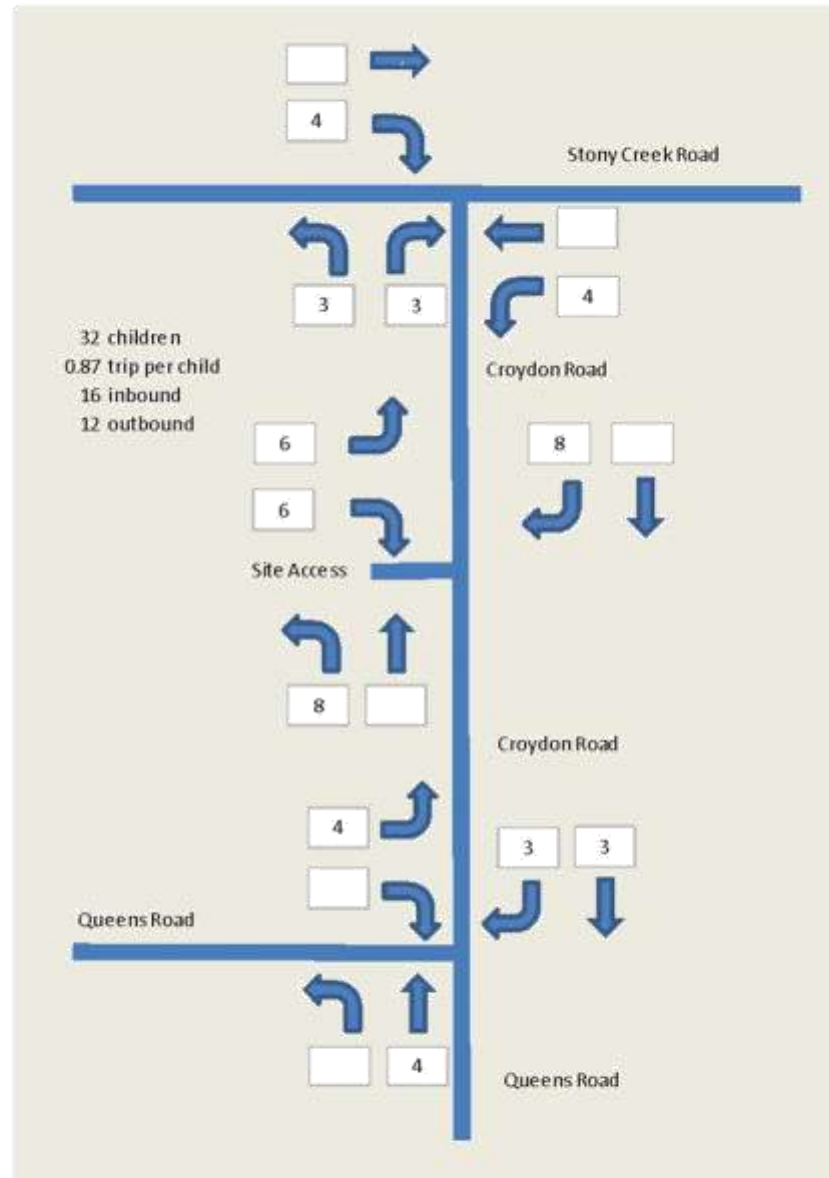
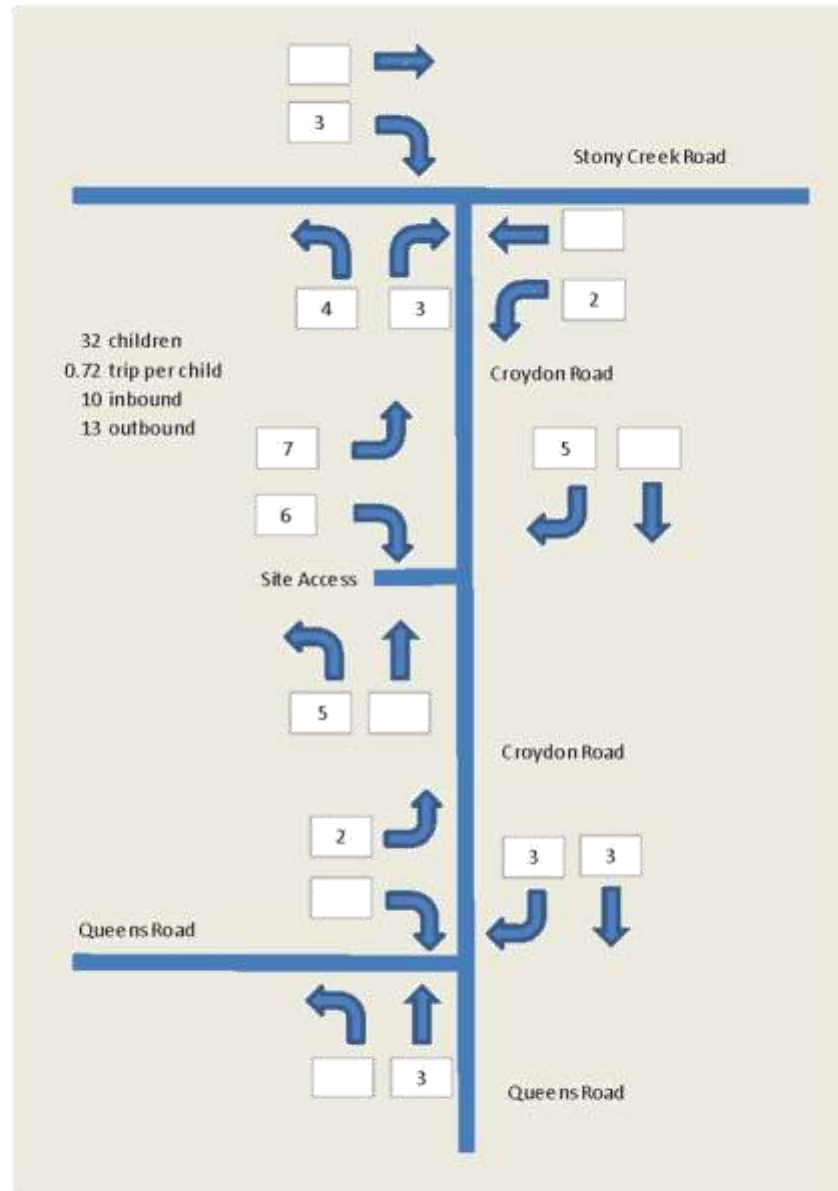


Figure 5: Additional AM Peak Period Turning Volumes from the Proposed Development



**Figure 6: Additional PM Peak Period Turning Volumes from the Proposed Development**





Figures 7 and 8 present the proposed traffic volumes at during AM and PM peak hours.

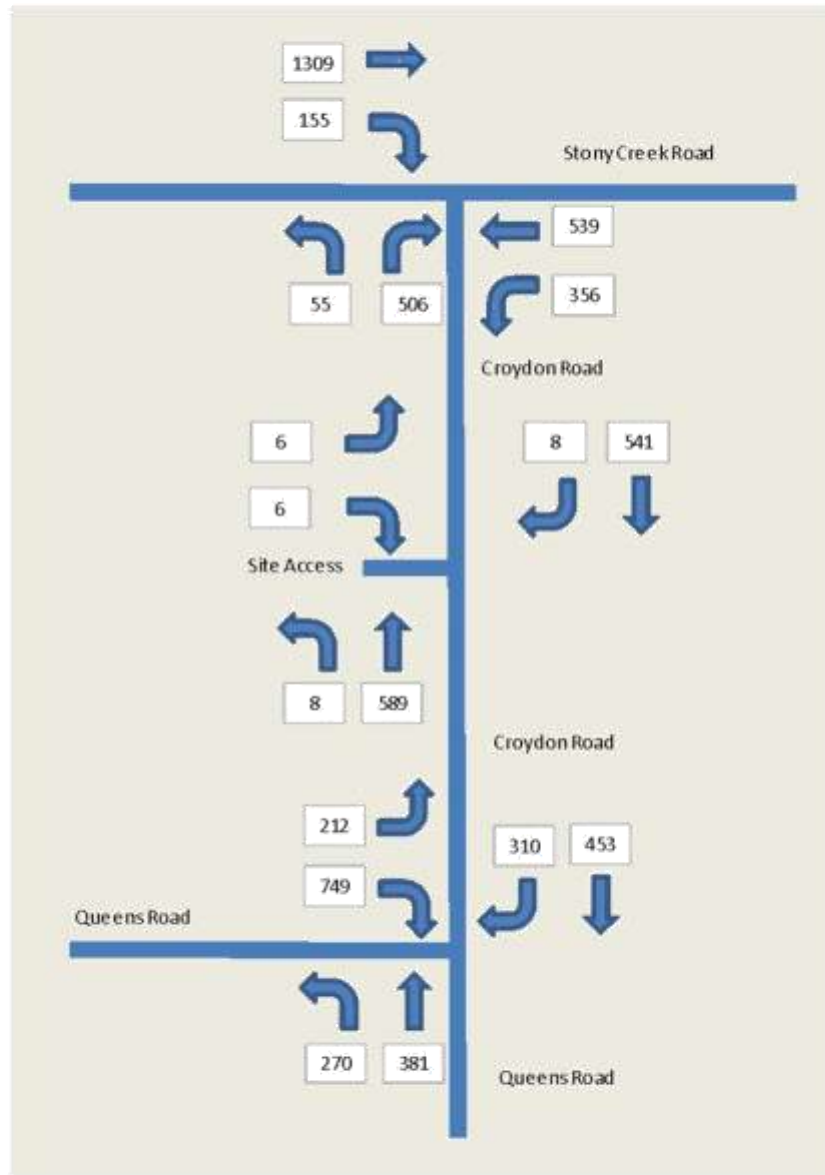


Figure 7: Proposed AM Peak Period Traffic Volumes

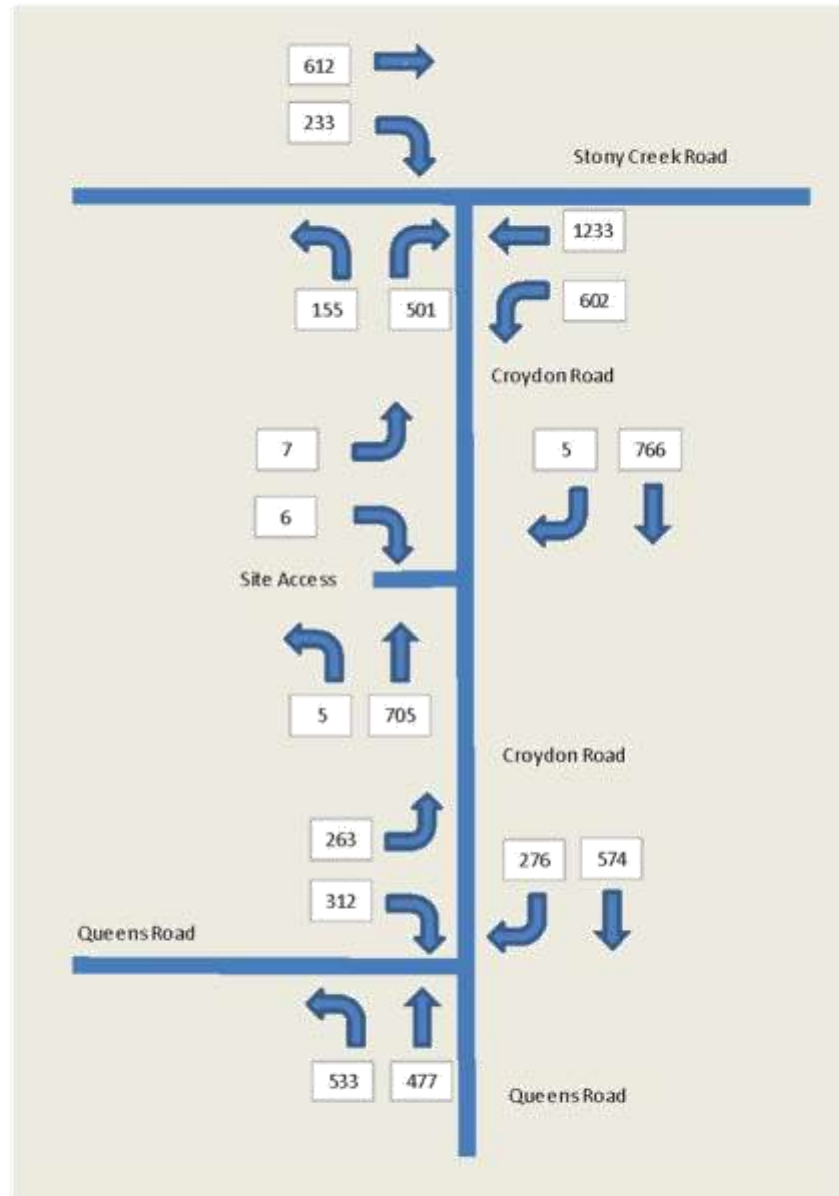


Figure 8: Proposed PM Peak Period Traffic Volumes



### 5.3 Intersection Analyses

Analyses using industry standard SIDRA package were carried out the site access intersection for the AM and PM peak hours.

SIDRA analyses indicate no operational issues, with Level of Service B for the exit movement in the morning and Level of Service C for the exit movement in the evening. Right turn entry movements operate with a Level of Service B in the morning and evening. Through traffic movements operate with a Level of Service A in the morning and evening.

There is ample room within the carriageway for vehicles to pass a stationary right turning vehicle, except when the kerbside lane in the south-east bound direction is occupied by a parked car.

Given the low levels of turning traffic into and out of Gannons Avenue (around 20 trips per hour in the AM peak hour and around 20 trips per hour in the PM peak hour), child care related traffic generation will not impact on the operation of Gannons Avenue / Croydon Road intersection.

No additional infrastructure improvements are required on the basis of Level of Service impacts considerations alone.

### 5.4 Traffic Impact

The moderately low level of traffic impact, in the order of 28 trips per hour in the AM peak period and 23 trips per hour in the PM peak period, will not adversely affect the operation of the site access point on Croydon Road and Gannon Avenue / Croydon Road intersection.



## 6. CONCLUSIONS

Based on the considerations presented in this report, it is considered that:

- The level of on-site car parking provision is satisfactory.
- The moderate level of traffic impact, in the order of 28 trips per hour in the AM peak period and 23 trips per hour in the PM peak period, will not adversely affect the operation of site access / Croydon Road and Gannons Avenue / Croydon Road intersections.
- Peak staff arrivals and departures do not concur with peak drop-off and pick-up. A small number will arrive before the centre opens, and depart after the centre closes.
- Waste collection will be undertaken on Croydon Road. It is envisaged that bins will be moved to the verge for kerbside collection.
- SIDRA analyses indicate no operational issues at the site (car park) access point, with Level of Service B for the exit movement in the morning and Level of Service C for the exit movement in the evening. Right turn entry movements operate with a Level of Service B in the morning and evening. Through traffic movements operate with a Level of Service A in the morning and evening.
- The following measures will be implemented to mitigate risks associated with vehicle and pedestrian (from the general public) movements:
  - Relatively shallow 1:20 grade for the first 4m of ramped driveway.
  - Sight-triangles at the top of the ramp.
- There are no traffic engineering reasons against the issue of a planning permit for a proposed child care centre at 123 Croydon Road, Hurstville.

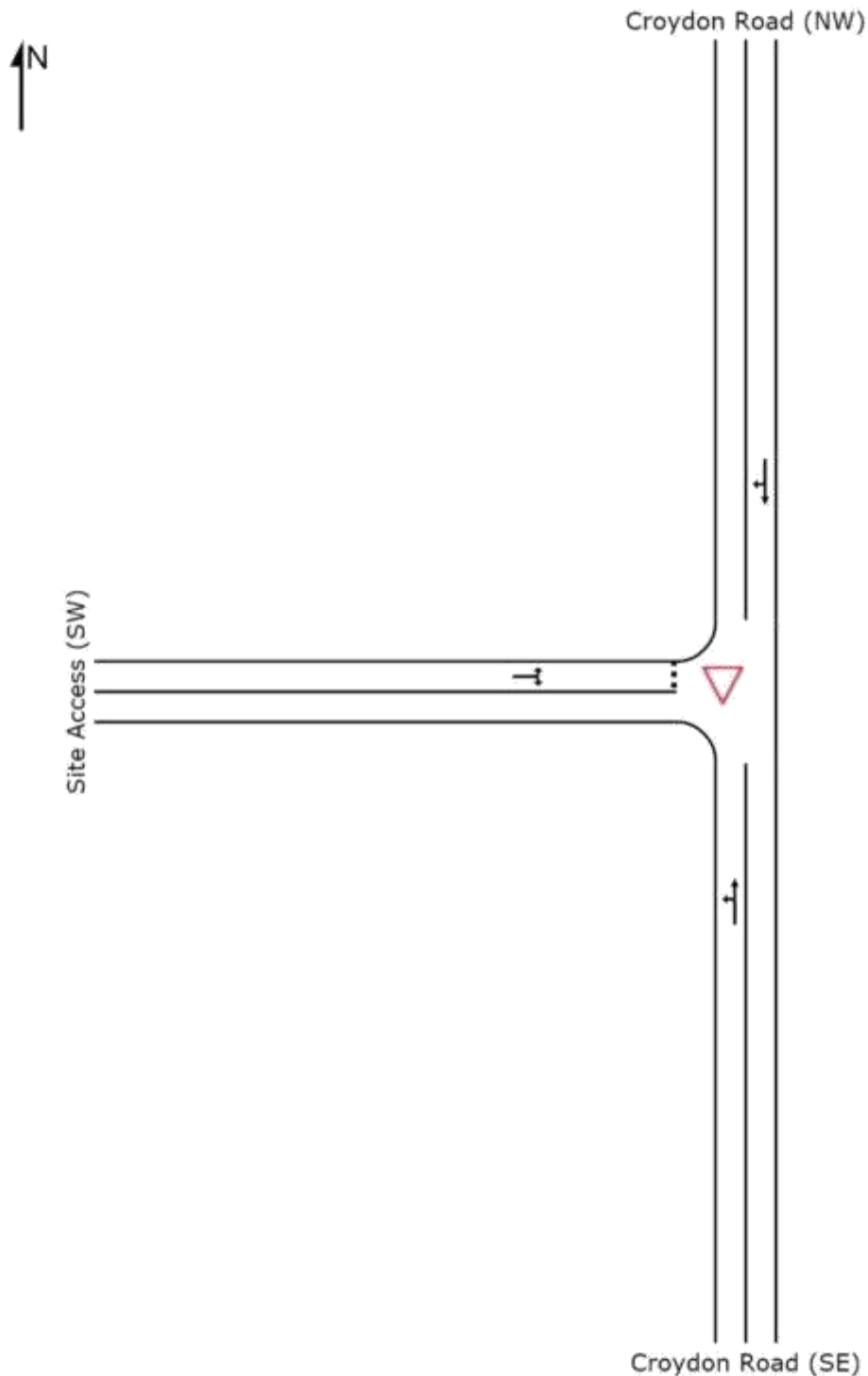


## Appendix A: SIDRA Outputs

## SITE LAYOUT

▽ Site: AM\_WithChildCare

Site Access and Croydon Road  
Giveaway / Yield (Two-Way)



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**SIDRA  
INTERSECTION 6**



## MOVEMENT SUMMARY

Site: AM\_WithChildCare

Site Access and Croydon Road  
Giveaway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Dep. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Croydon Road (SE):											
1	L2	8	0.0	0.332	5.6	LOS A	0.0	0.0	0.00	0.01	58.2
2	T1	620	4.7	0.332	0.0	LOS A	0.0	0.0	0.00	0.01	59.8
Approach		628	4.6	0.332	0.1	NA	0.0	0.0	0.00	0.01	59.8
North: Croydon Road (NW):											
8	T1	569	5.3	0.312	4.6	LOS A	3.9	28.3	0.74	0.01	55.7
9	R2	8	0.0	0.312	10.0	LOS B	3.9	28.3	0.74	0.01	53.7
Approach		578	5.2	0.312	4.7	NA	3.9	28.3	0.74	0.01	55.7
West: Site Access (SW):											
10	L2	6	0.0	0.028	11.7	LOS B	0.1	0.6	0.66	0.80	49.2
12	R2	6	0.0	0.028	11.6	LOS B	0.1	0.6	0.66	0.80	48.7
Approach		13	0.0	0.028	11.7	LOS B	0.1	0.6	0.66	0.80	49.0
All Vehicles		1219	4.9	0.332	2.4	NA	3.9	28.3	0.36	0.02	57.6

Level of Service (LOS) Method: Delay (HCM 2000).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.



## MOVEMENT SUMMARY

▽ Site: PM\_WthChildCare

Site Access and Croydon Road  
Giveaway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Croydon Road (SE)											
1	L2	5	0.0	0.394	5.6	LOS A	0.0	0.0	0.00	0.00	58.2
2	T1	742	4.2	0.394	0.1	LOS A	0.0	0.0	0.00	0.00	59.9
Approach		747	4.2	0.394	0.1	NA	0.0	0.0	0.00	0.00	59.6
North: Croydon Road (NW)											
8	T1	806	4.6	0.433	8.1	LOS A	8.0	58.2	1.00	0.01	52.9
9	R2	5	0.0	0.433	13.5	LOS B	8.0	58.2	1.00	0.01	51.2
Approach		812	4.6	0.433	8.1	NA	8.0	58.2	1.00	0.01	52.9
West: Site Access (SW)											
10	L2	7	0.0	0.050	16.9	LOS C	0.1	1.0	0.78	0.88	46.0
12	R2	6	0.0	0.050	16.8	LOS C	0.1	1.0	0.78	0.88	45.6
Approach		14	0.0	0.050	16.9	LOS C	0.1	1.0	0.78	0.88	45.6
All Vehicles		1573	4.3	0.433	4.4	NA	8.0	58.2	0.52	0.01	55.9

Level of Service (LOS) Method: Delay (HCM 2000).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akcelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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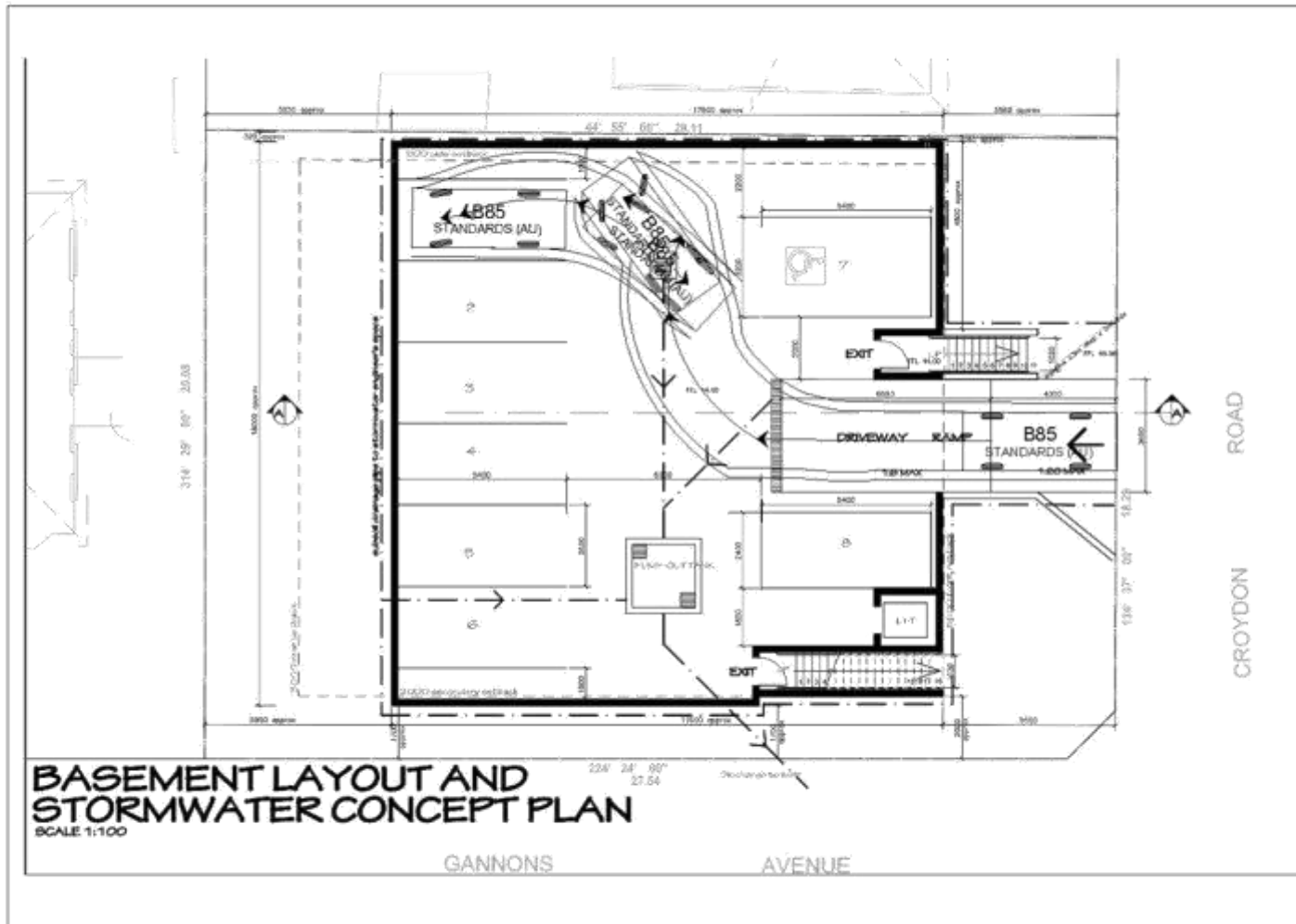
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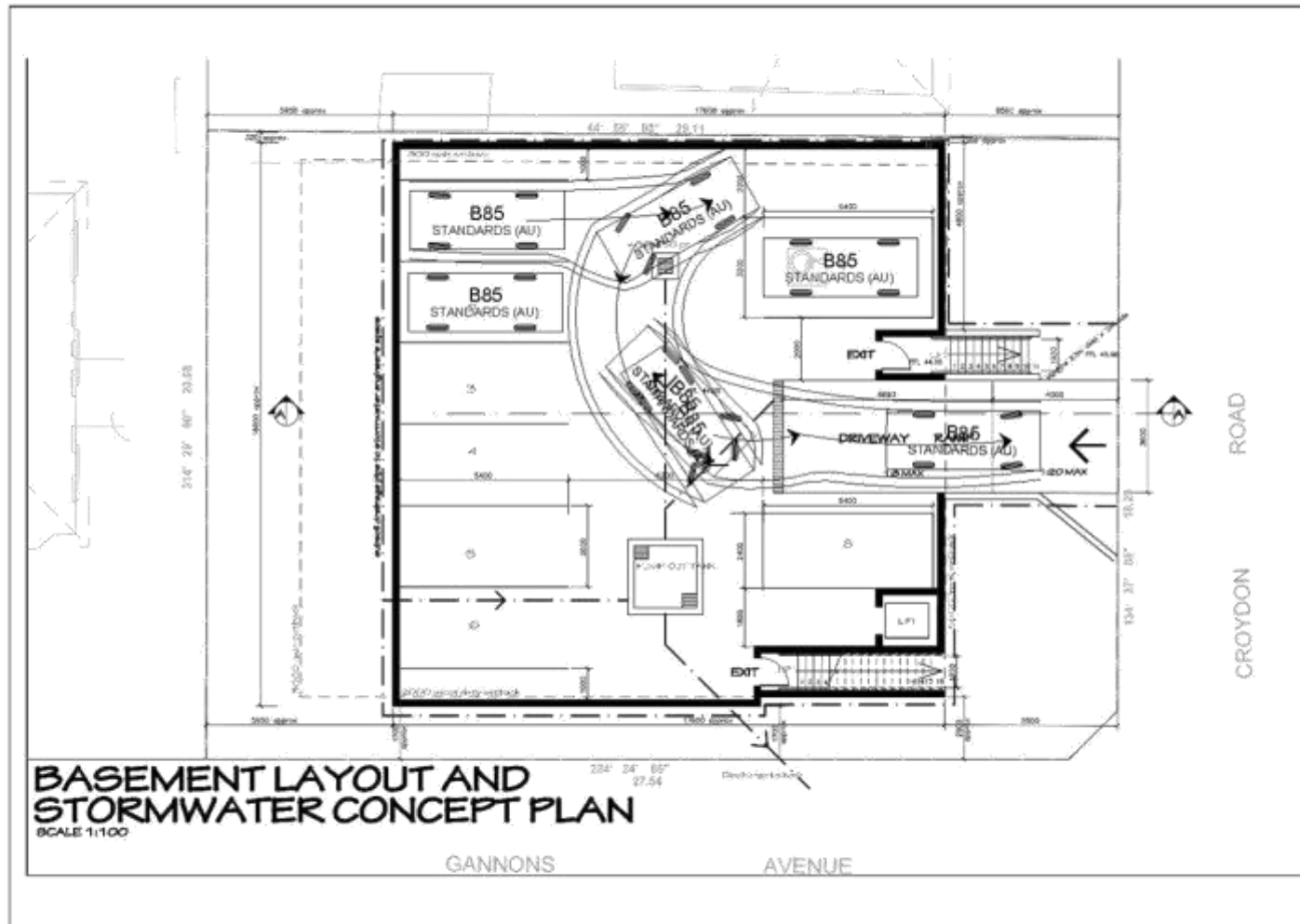
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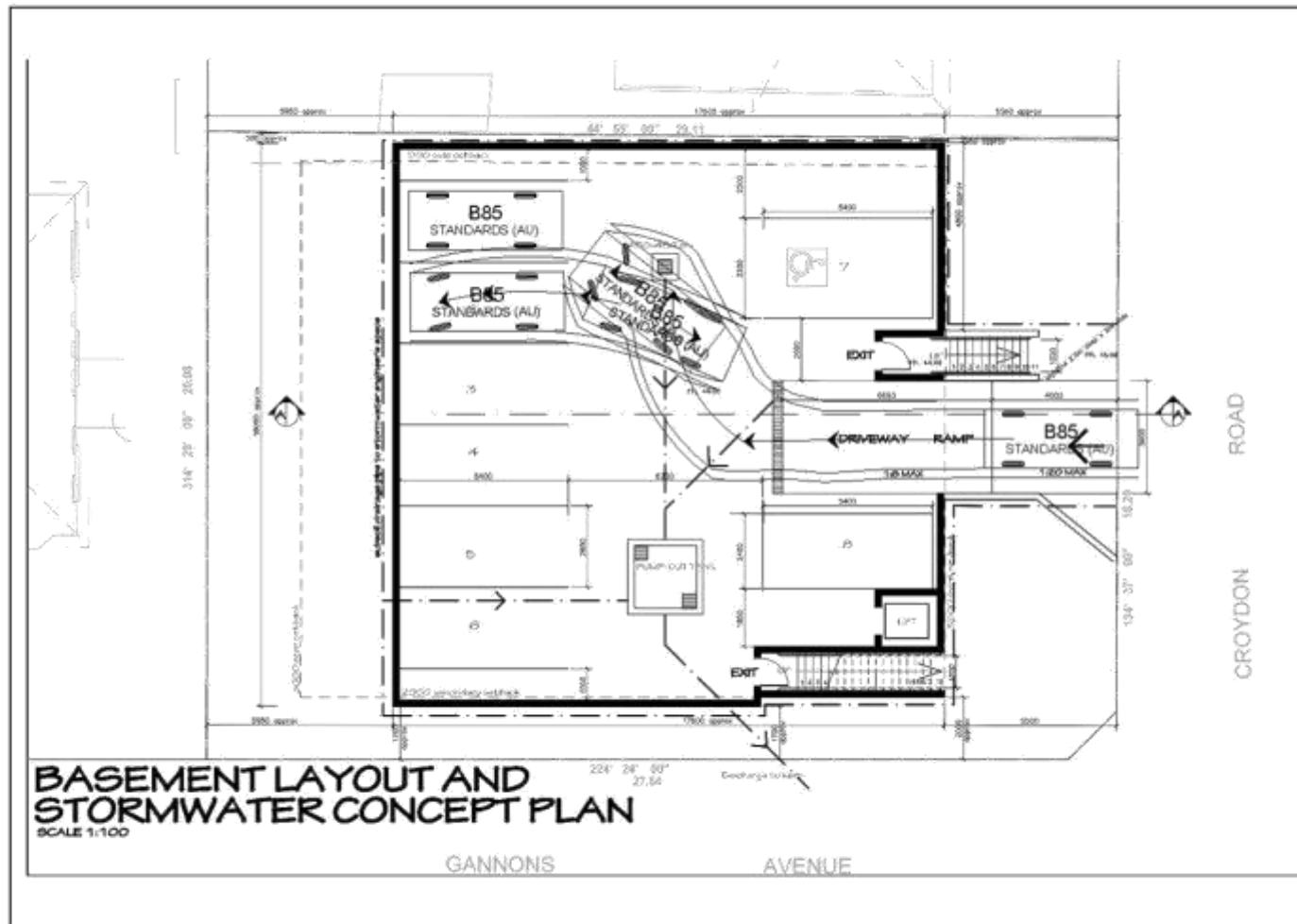
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**INTERSECTION 6**

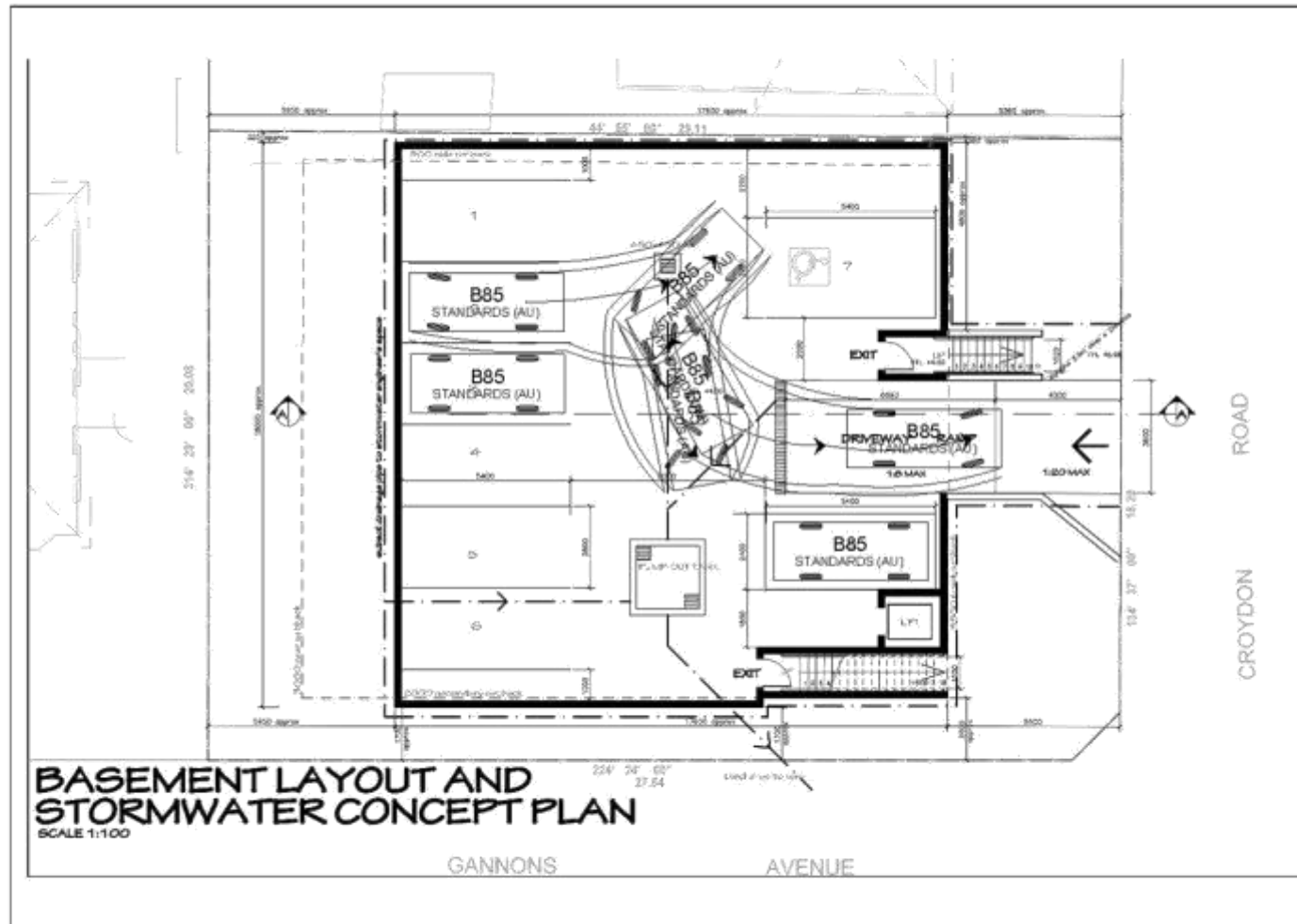


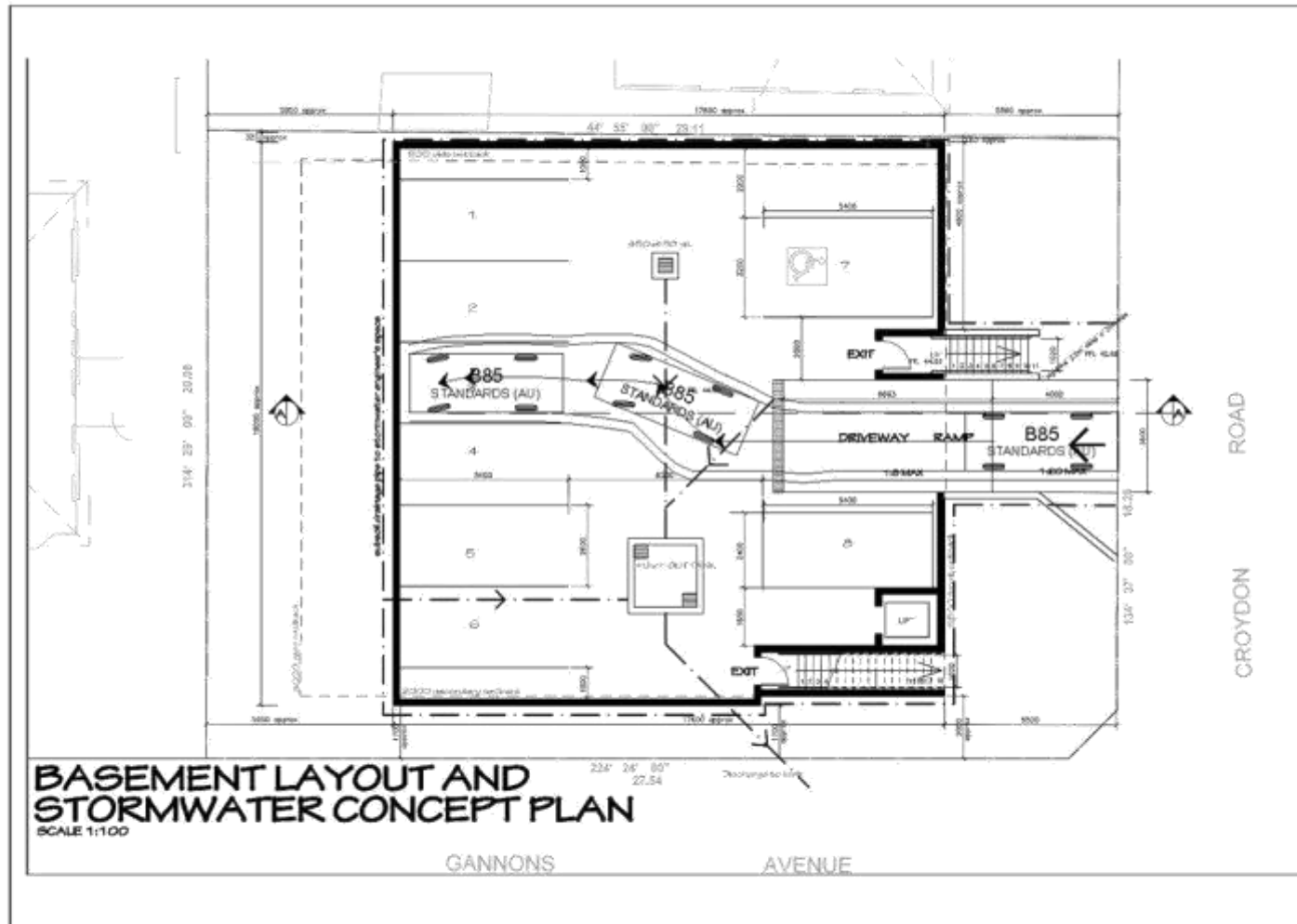
## Appendix B: B85 Car Swept Paths

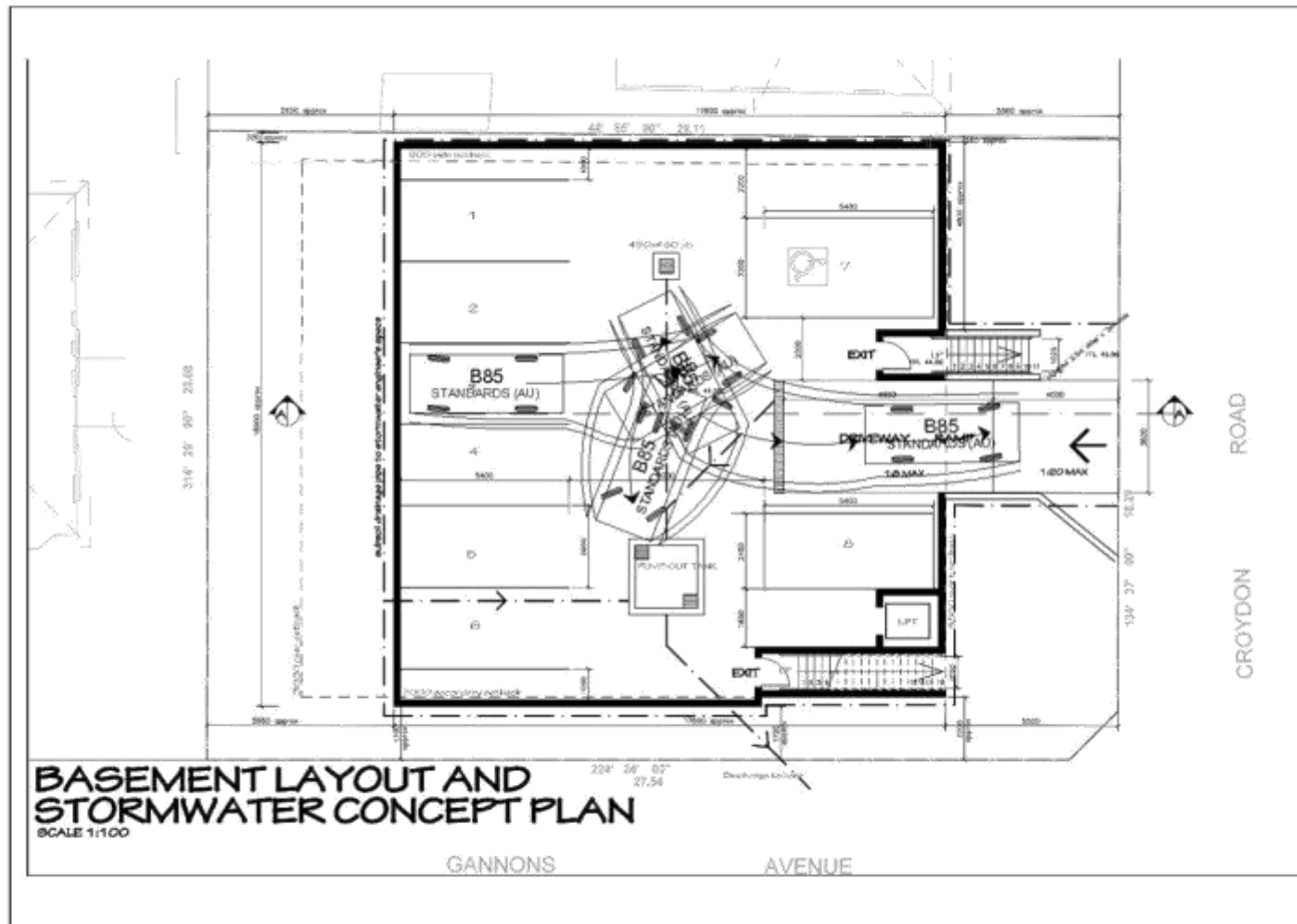




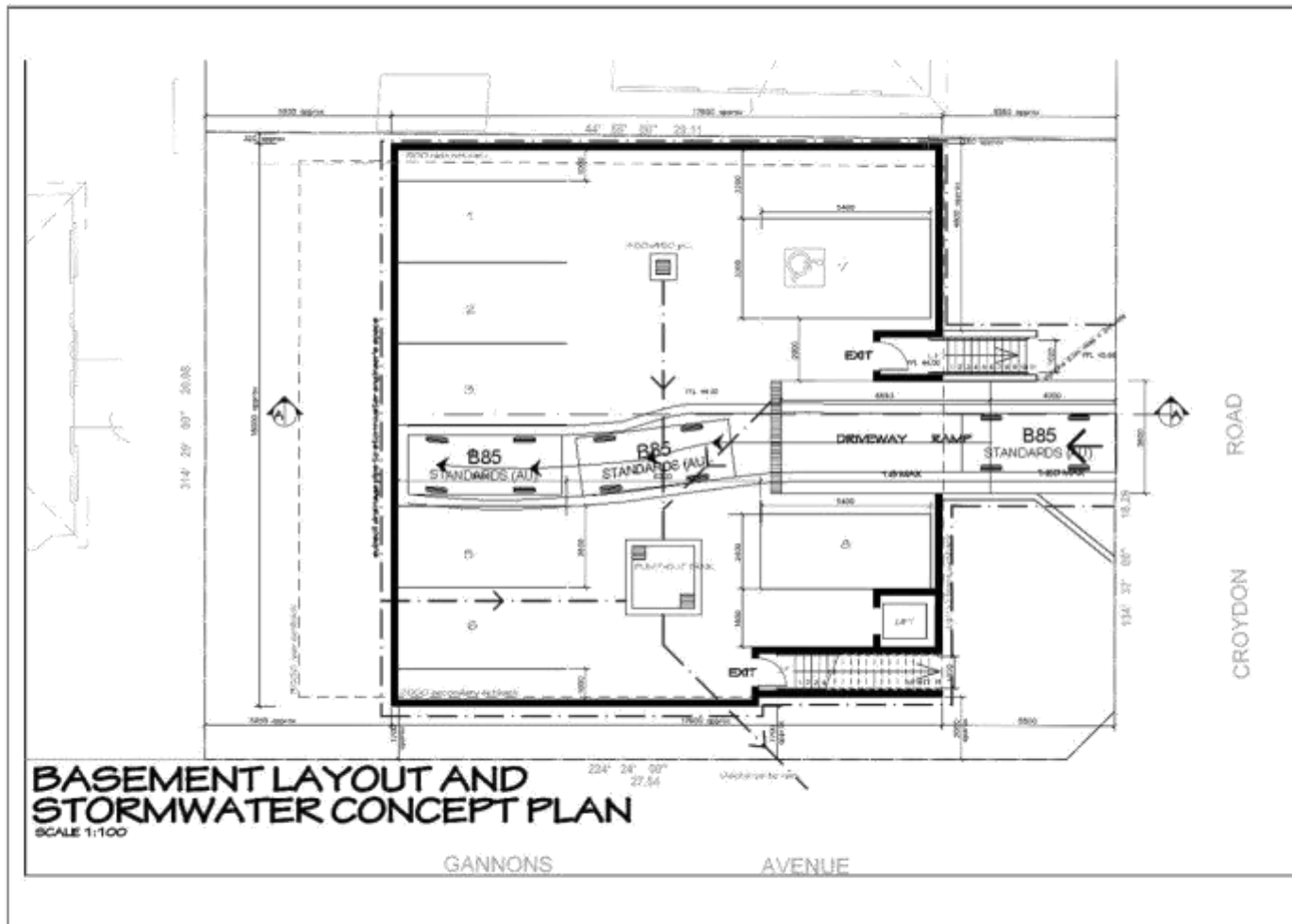


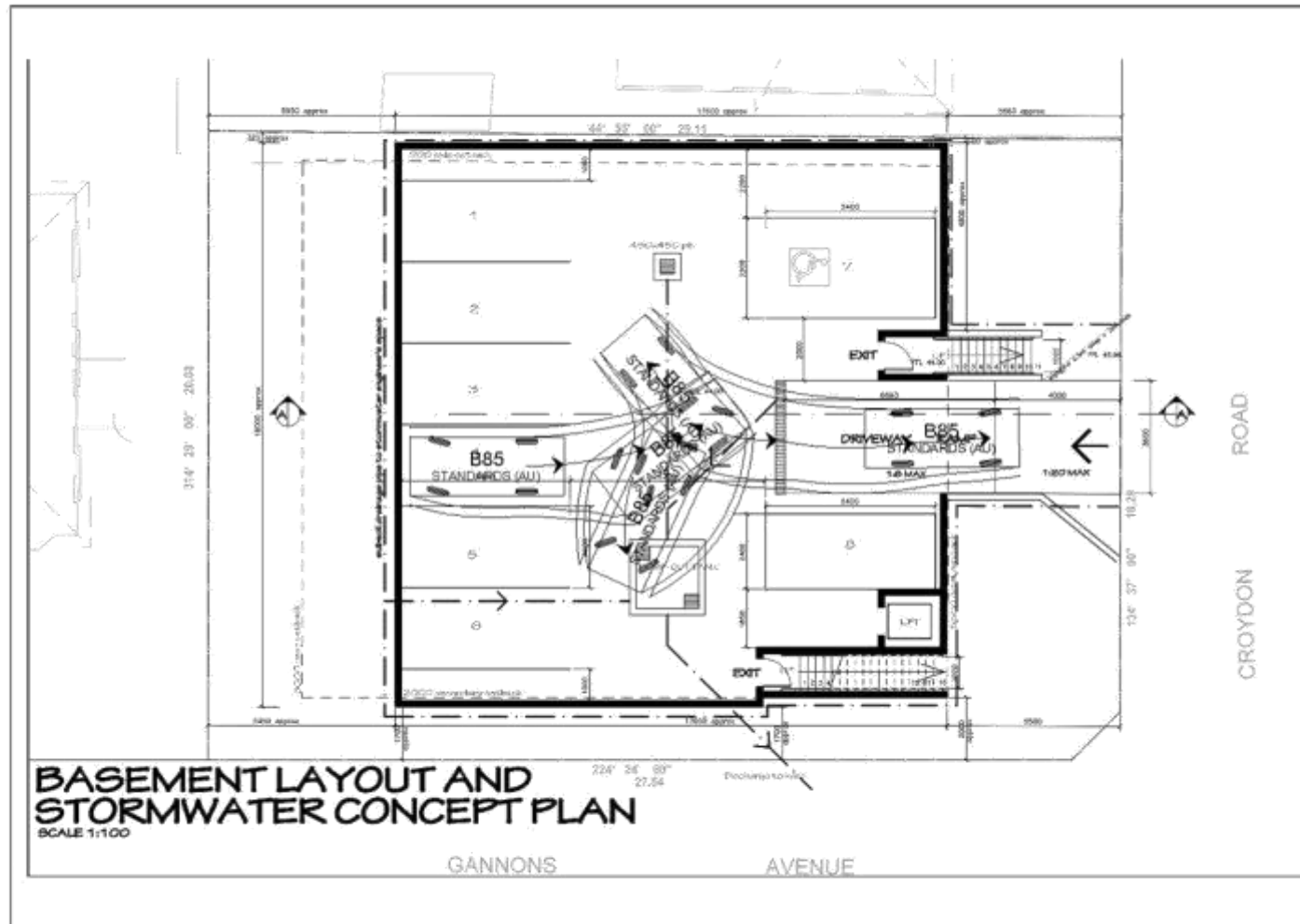


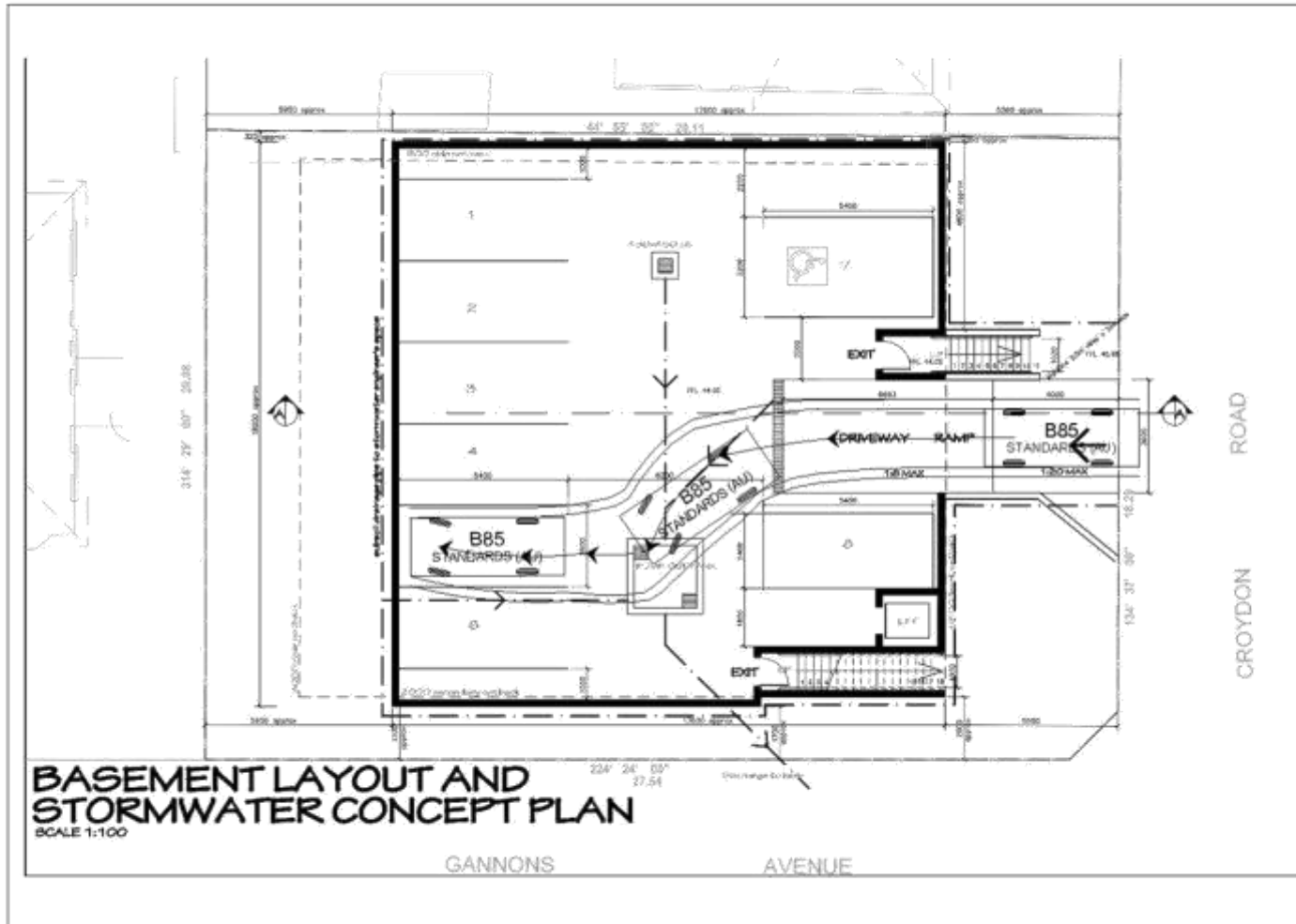


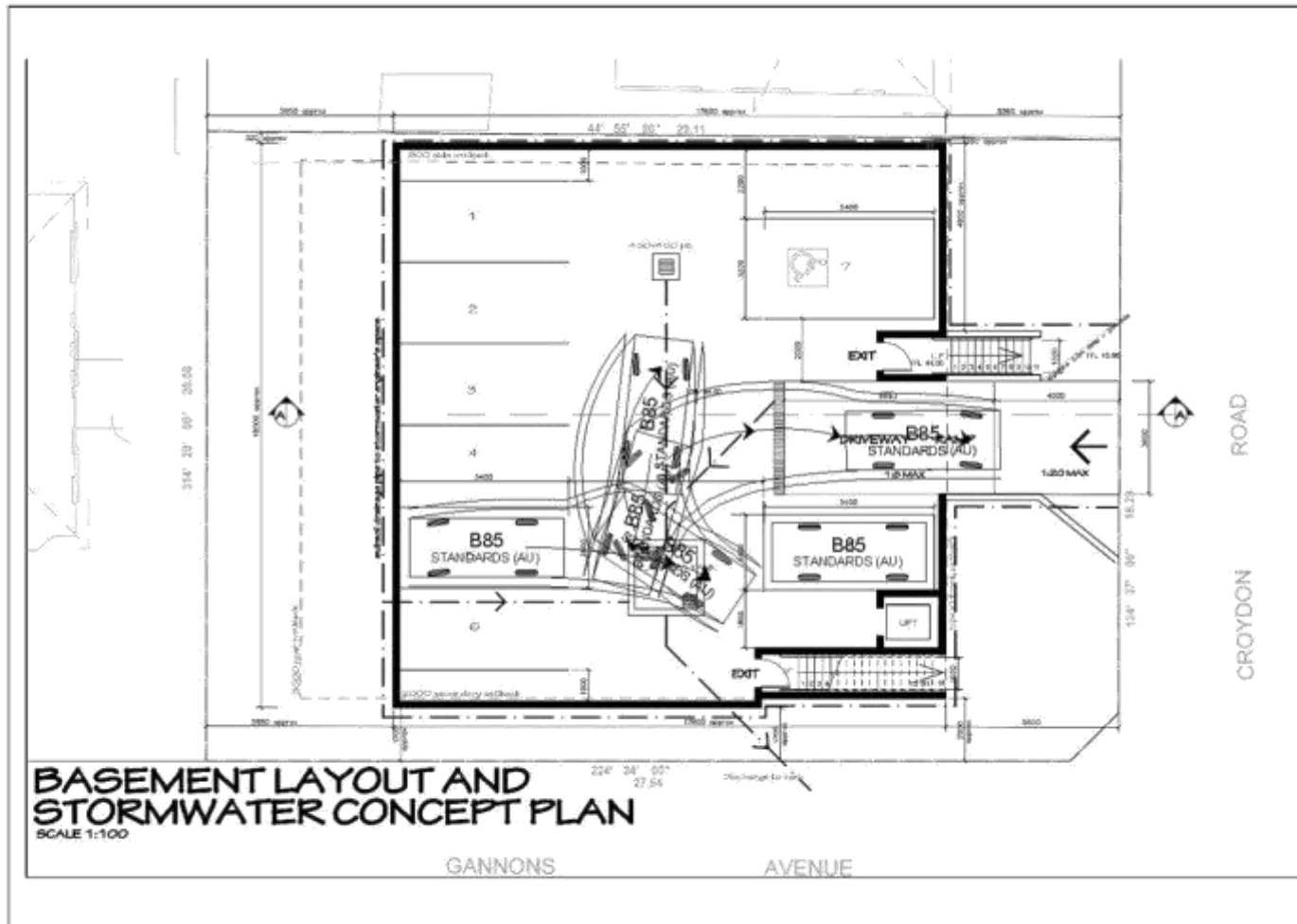


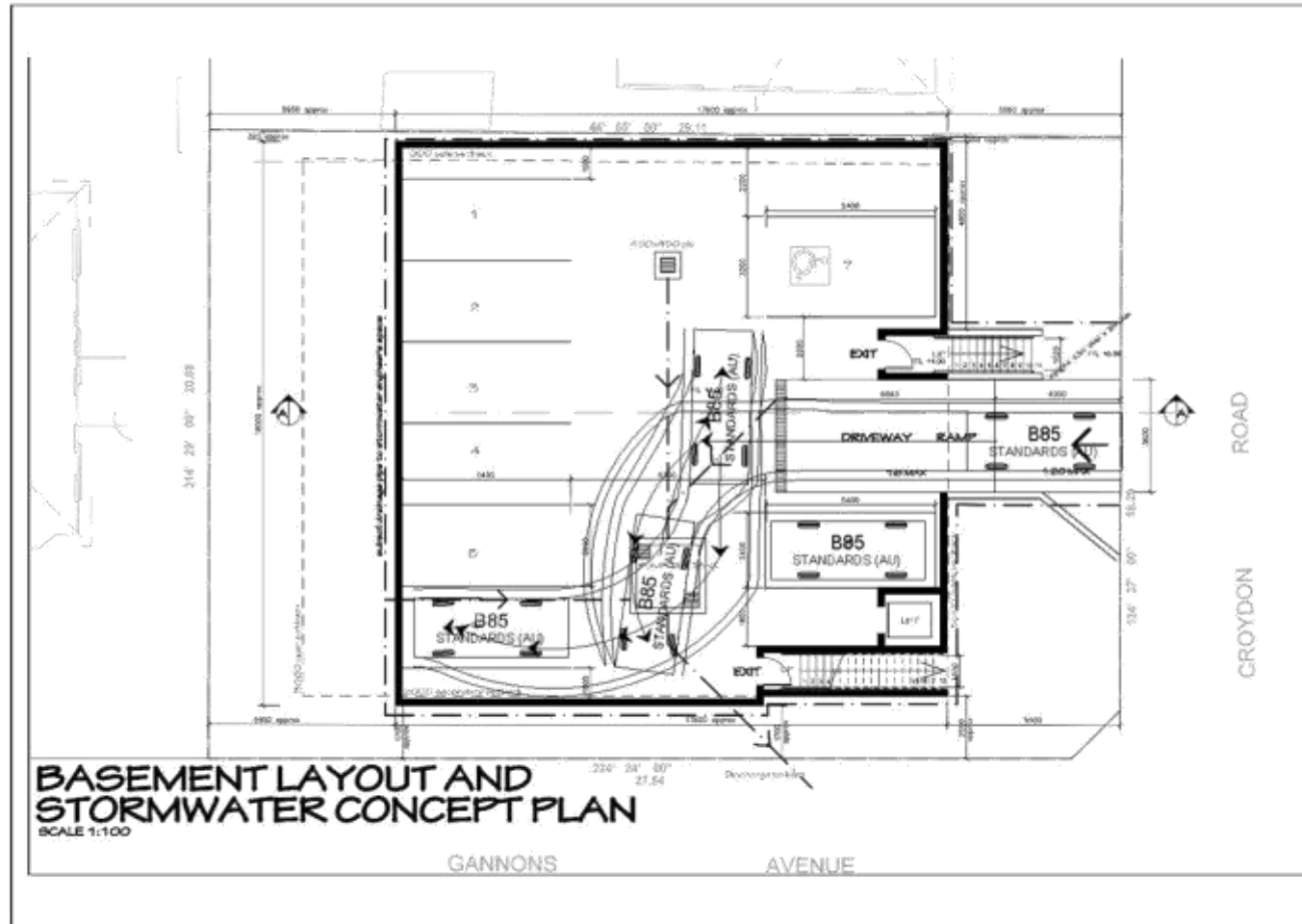


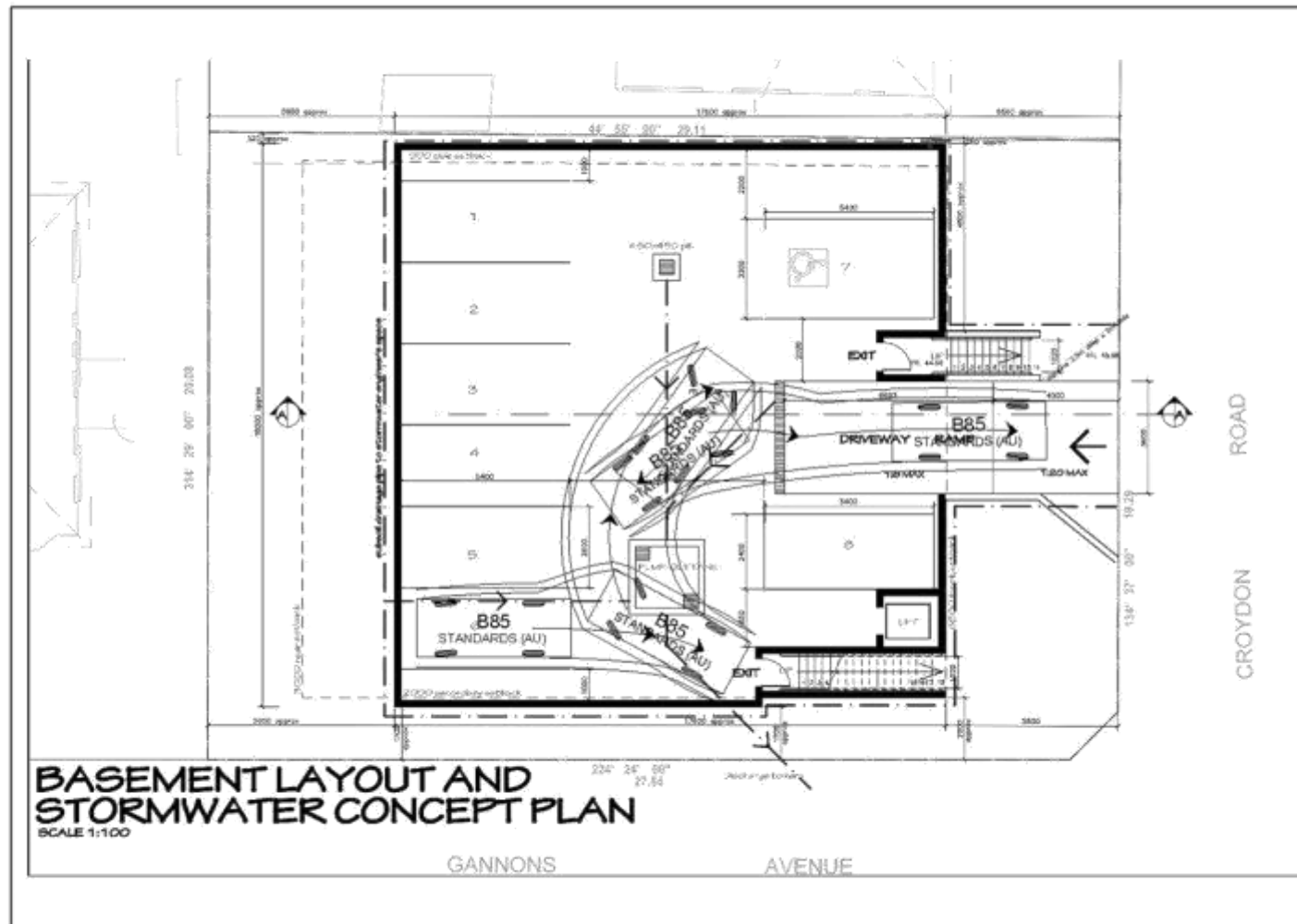


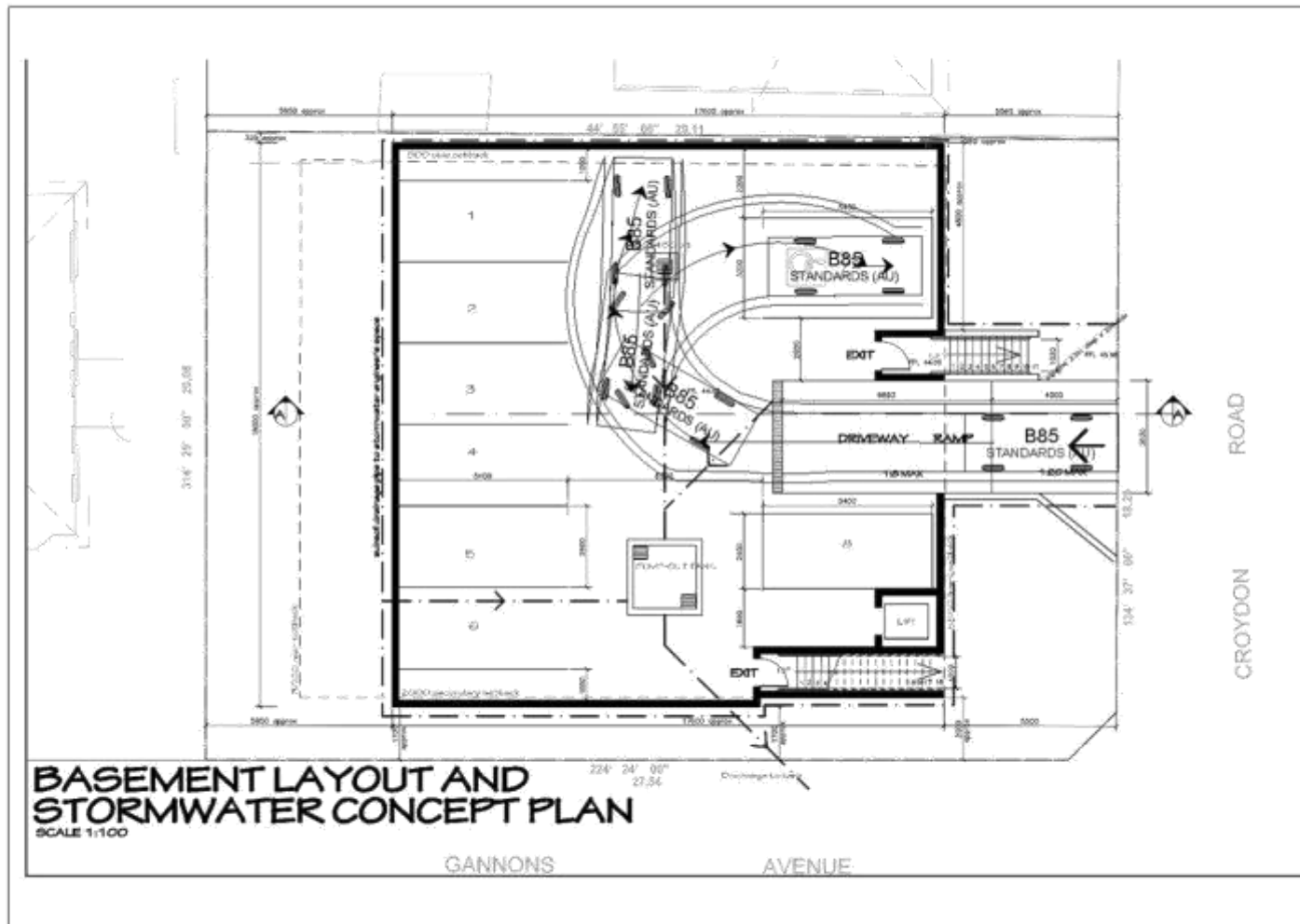


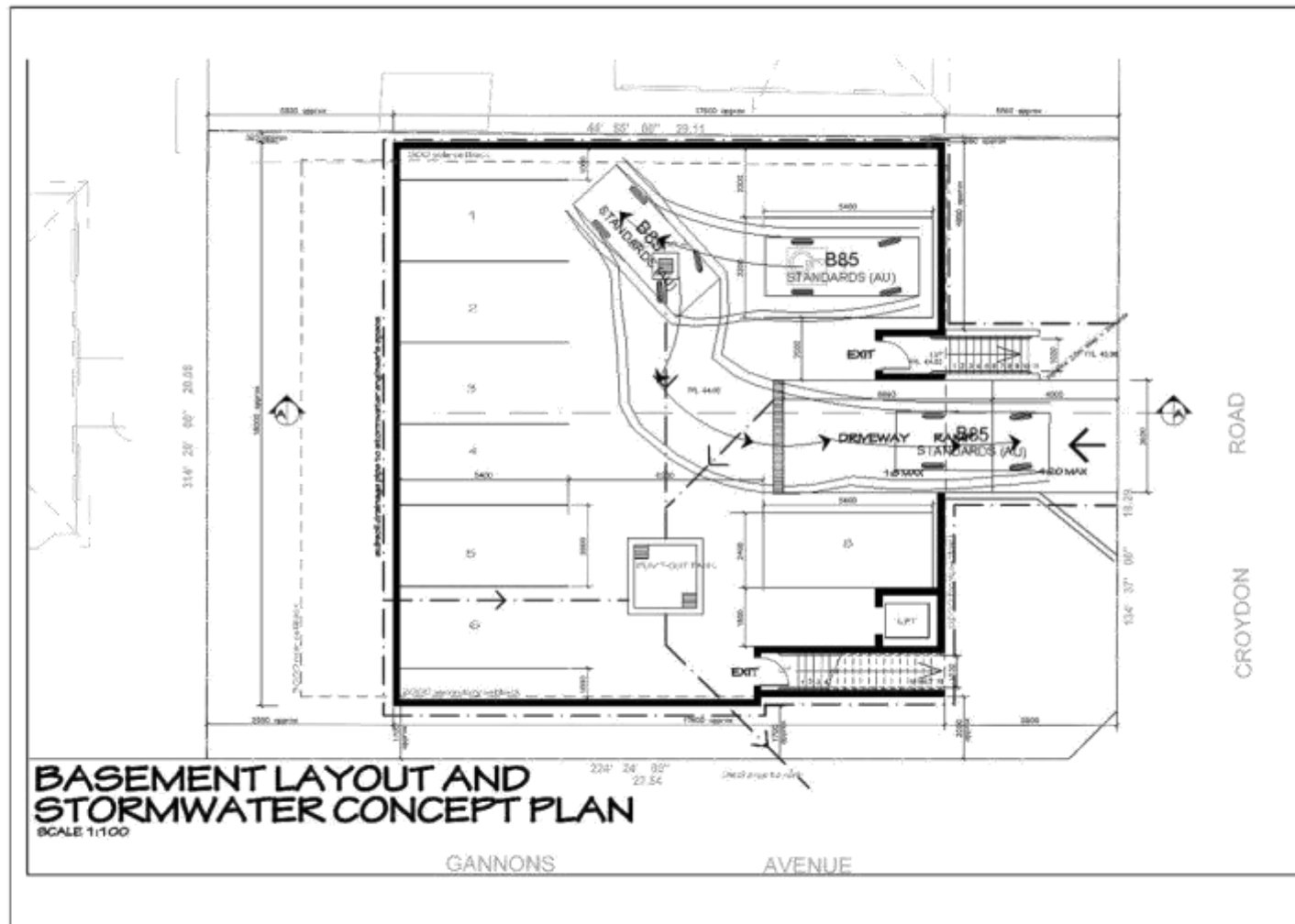




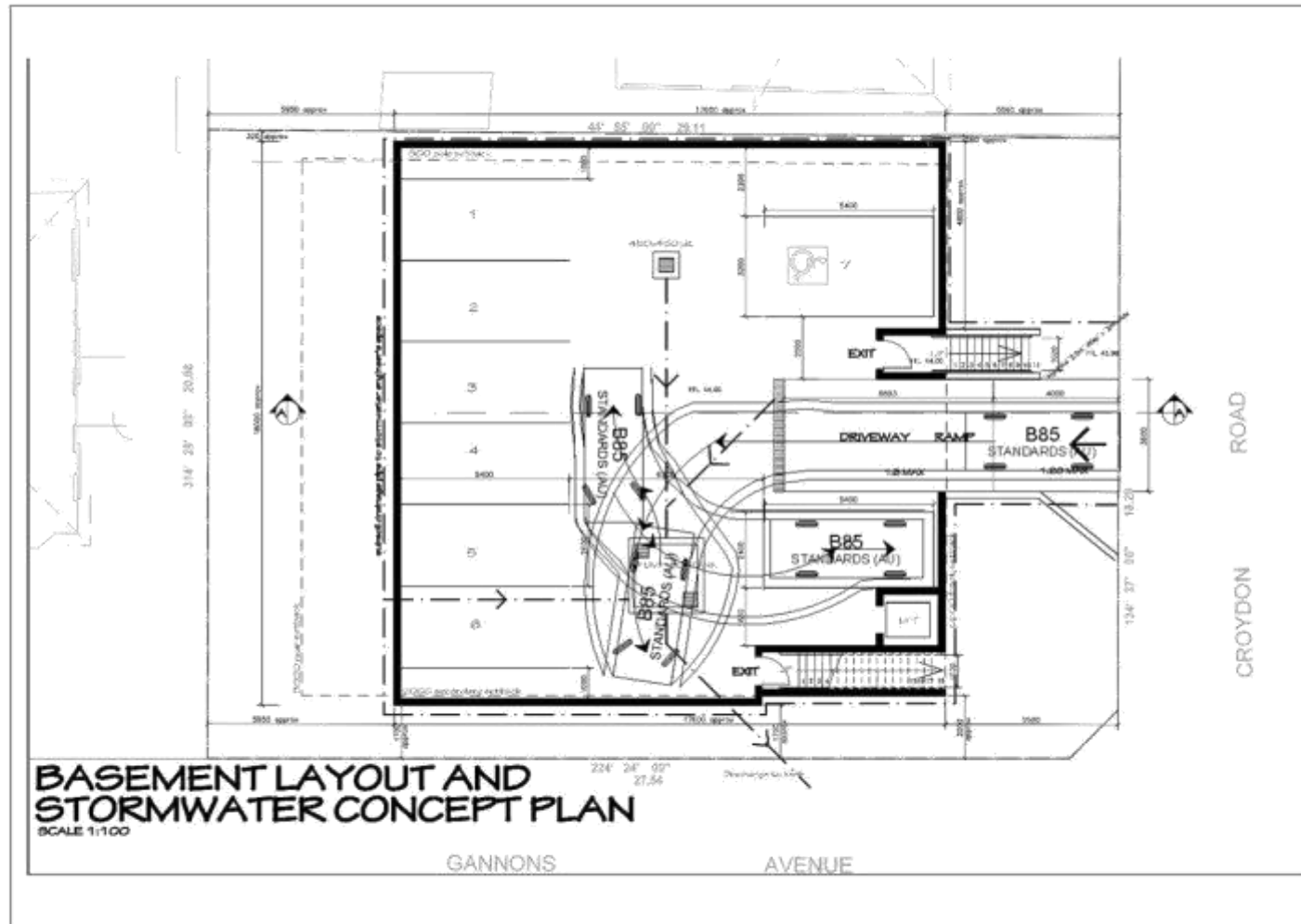


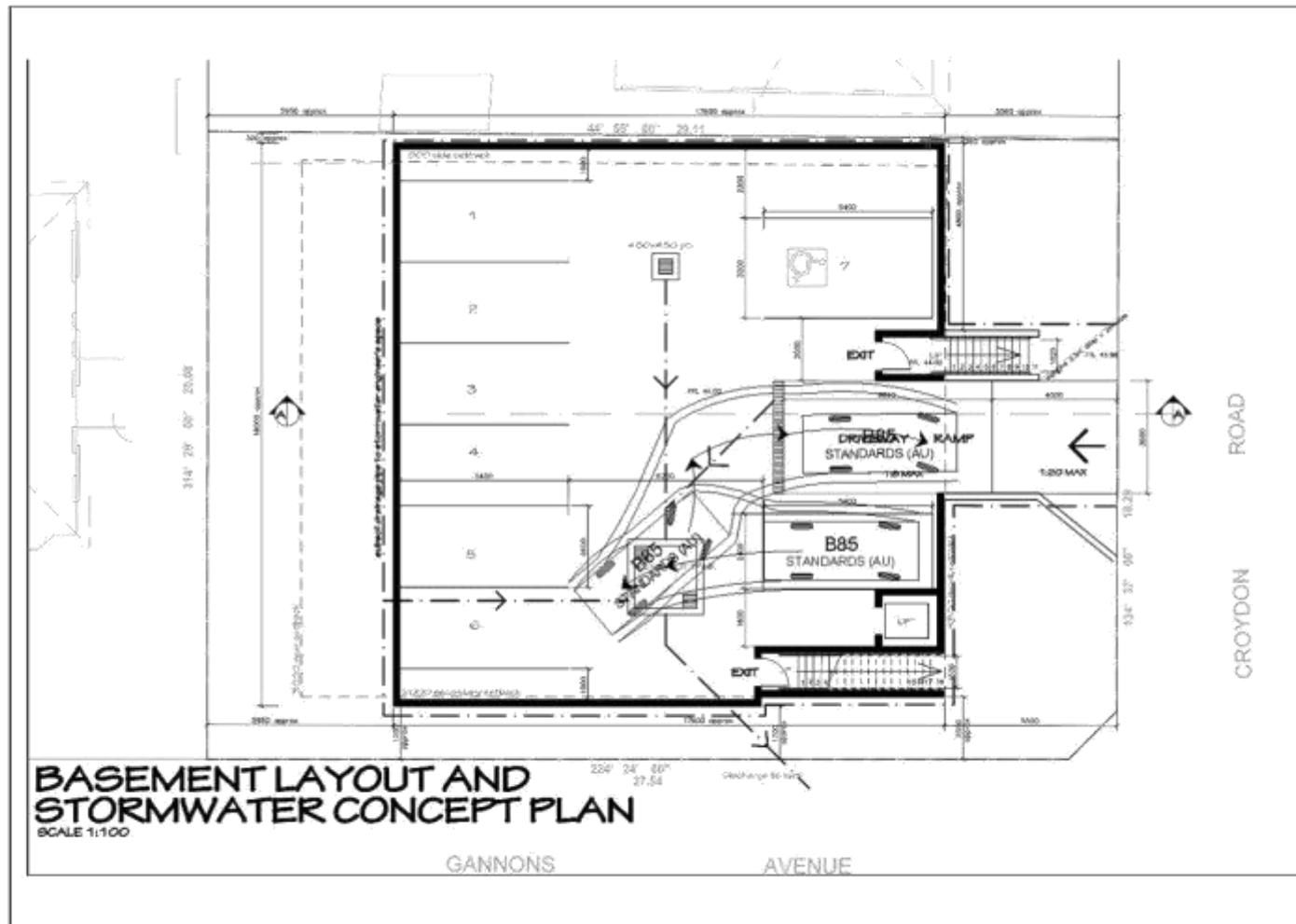












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**123 Croydon Road, Hurstville**

**Child Care Centre Noise Assessment**

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## DOCUMENT CONTROL REGISTER

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## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION</b>	<b>4</b>
<b>2</b>	<b>GENERAL DESCRIPTION</b>	<b>5</b>
<b>3</b>	<b>NOISE DESCRIPTORS</b>	<b>6</b>
<b>4</b>	<b>TRAFFIC NOISE INTRUSION ASSESSMENT</b>	<b>7</b>
4.1	TRAFFIC NOISE MEASUREMENTS	7
4.2	NOISE INTRUSION CRITERIA	8
4.2.1	Hurstville City Council DCP1—Part 5.4 – Child Care Centres	8
4.2.2	Criteria by NSW Road Noise Policy	8
4.2.3	Summary of Noise Intrusion Criteria	8
4.2.4	Analysis	8
<b>5</b>	<b>NOISE EMISSION ASSESSMENT</b>	<b>9</b>
5.1	BACKGROUND NOISE MEASUREMENTS	9
5.1.1	Measured Background Noise Levels	9
5.2	NOISE EMISSION CRITERIA – OUTDOOR PLAY AREA	10
5.2.1	Hurstville City Council DCP1—Part 5.4 – Child Care Centres	10
5.3	NOISE EMISSION CRITERIA – MECHANICAL PLANT NOISE	10
5.3.1	EPA Industrial Noise Policy	10
5.3.1.1	EPA Industrial Noise Policy – Intrusiveness Criteria	10
5.3.1.2	EPA Industrial Noise Policy – Amenity Criteria	11
5.3.1.3	Resultant Criteria	11
5.4	EXTERNAL NOISE EMISSION PREDICTIONS	12
5.4.1	Typical Outdoor Playing Noise Data	12
5.4.2	Outdoor Play Noise Emission Predictions	12
5.4.3	Indoor Play Area	13
5.5	MECHANICAL NOISE EMISSIONS	13
<b>6</b>	<b>RECOMMENDED TREATMENTS – BUILDING AND MANAGEMENT</b>	<b>14</b>
6.1	BUILDING CONSTRUCTION	14
6.1.1	Glazing	14
6.1.2	Fencing	14
6.1.3	Management Controls	16
<b>7</b>	<b>CONCLUSION</b>	<b>17</b>

## 1 INTRODUCTION

Acoustic Logic Consultancy Pty Ltd has been engaged to conduct an environmental noise assessment as part of the development application to the Hurstville City Council for the proposed child care centre at 123 Croydon Road, Hurstville.

This report consist of:

- An assessment of noise generated by the site (in particular the outdoor play areas) and its impact on nearby development.
- An assessment of road traffic noise impacts on the site.

Where necessary, building and/or management control will be recommended to ensure that noise emissions from the site and traffic noise impacts on the site are compliant with relevant EPA Council and Australian Standard guidelines.

Proposed hours of operation as presented in the Table 1 below.

Table 1 – Proposed Hours of Operation

Day	Hours of Operation
Monday to Friday	7.00am to 6.00pm
Saturday	Closed
Sunday	Closed

The acoustic assessment has been based on the following information:

1. Proposed hours of operation of 7:30am to 6:00pm Monday to Friday;
2. Total of 32 children in the Childcare Centre;
  - a) 12 children between the ages of 0-2
  - b) 10 children between the ages of 2-3
  - c) 10 children between the ages of 3-6

Architectural plans have been provided to Acoustic Logic Consultancy Pty Ltd by FS Architects, dated April 2016 of project number 15A063, and sheets A001-A002.

Landscape plans have been provided to Acoustic Logic Pty Ltd by Susan Stratton Landscape Architect Pty Ltd, drawing LA-01 and dated March 2016.

## 2 GENERAL DESCRIPTION

The proposed child care centre is to be located at 123 Croydon Road, Hurstville, within the Hurstville Council local government area. The proposed development will consist of underground basement parking, a two storey building, 1 outdoor play area, 2 cot rooms, 1 internal play room and associated offices and amenities.

The surrounding receivers to this site is as follows;

- Receiver 1:** To the rear and to the east of the site is 2 Gannons Avenue, a two storey residential development
- Receiver 2:** To the north of the site by 125 Croydon Road, a single storey residential development
- Receiver 3:** To the south adjacent to Gannons Avenue are residential developments at 121 Croydon Road and 1 Gannons Avenue, both single storey residential developments

Below is an aerial of the site;

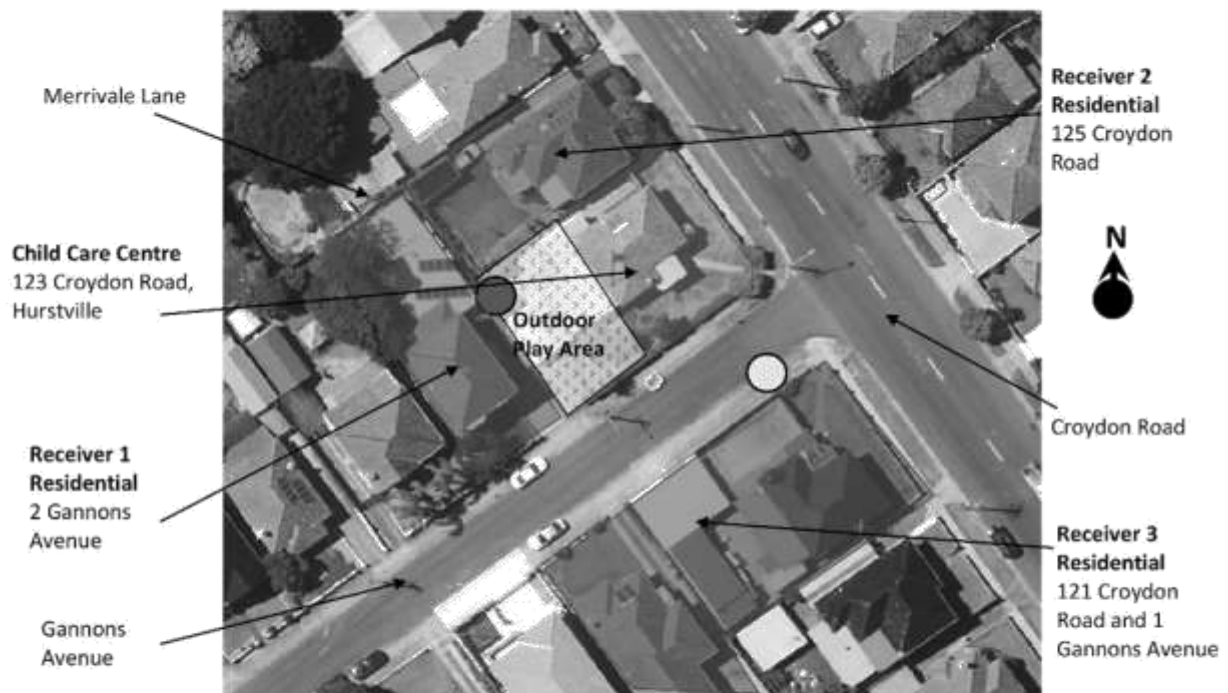
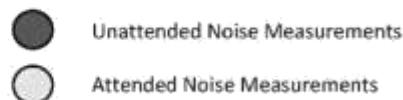


Figure 1: Subject Site and Nearest Affected Receivers



### 3 NOISE DESCRIPTORS

Traffic noise constantly varies in level, due to fluctuations in traffic speed, vehicle types, road conditions and traffic densities. Accordingly, it is not possible to accurately determine prevailing traffic noise conditions by measuring a single, instantaneous noise level. To accurately determine the effects of traffic noise a 15-20 minute measurement interval is utilised. Over this period, noise levels are monitored on a continuous basis and statistical and integrating techniques are used to determine noise description parameters. These parameters are used to measure how much annoyance would be caused by a particular noise source.

In the case of environmental noise three principle measurement parameters are used, namely  $L_{10}$ ,  $L_{90}$  and  $L_{eq}$ .

The  $L_{10}$  and  $L_{90}$  measurement parameters are statistical levels that represent the average maximum and average minimum noise levels respectively, over the measurement interval.

The  $L_{10}$  parameter is commonly used to measure noise produced by a particular intrusive noise source since it represents the average of the loudest noise levels produced by the source.

Conversely, the  $L_{90}$  level (which is commonly referred to as the background noise level) represents the noise level heard in the quieter periods during a measurement interval. The  $L_{90}$  parameter is used to set the allowable noise level for new, potentially intrusive noise sources since the disturbance caused by the new source will depend on how audible it is above the pre-existing noise environment, particularly during quiet periods, as represented by the  $L_{90}$  level.

The  $L_{eq}$  parameter represents the average noise energy during a measurement period. This parameter is derived by integrating the noise levels measured over the measurement period.  $L_{eq}$  is important in the assessment of traffic noise impact as it closely corresponds with human perception of a changing noise environment; such is the character of traffic noise.

Current practice favours the  $L_{eq}$  parameter as a means of measuring traffic noise, whereas the  $L_{10}$  parameter has been used in the past and is still incorporated in some codes. For the reasons outlined above, the  $L_{90}$  parameter is not used to assess traffic noise intrusion.



## 4 TRAFFIC NOISE INTRUSION ASSESSMENT

### 4.1 TRAFFIC NOISE MEASUREMENTS

Traffic noise measurements were conducted along Croydon Road, bounding the project site to the northeast, as indicated in Figure 1 above.

Attended noise monitoring was conducted to obtain traffic noise levels during the afternoon peak. Attended noise measurements were conducted on the 15<sup>th</sup> March 2016 between the hours 3:30pm and 4:30pm. Attended noise measurements were undertaken using a Norsonics Type 140 precision sound level analyser, set to A-weighted fast response. The precision sound level analyser was calibrated before and after the measurements using a Norsonics 1251 precision sound level calibrator. No significant drift was recorded. The microphone had a clear 180° view of the road.

The following table presents the resultant noise levels at the proposed boundary of the development.

Table 2 – Traffic Noise Levels

Location	Noise Level
Traffic on Croydon Road (Measured at proposed north-eastern façade)	65 dB(A) $L_{eq}$ worst 1 hour
	69 dB(A) $L_{10}$ worst 1 hour

## 4.2 NOISE INTRUSION CRITERIA

### 4.2.1 Hurstville City Council DCP1–Part 5.4 – Child Care Centres

#### Section 5.4.14.2 Acoustic Amenity

For traffic noise, the following criteria are recommended (measured as the maximum  $L_{10}$  (1 hour):

- Indoor noise levels must not exceed 48dB(A)
- Outdoor noise levels should not generally exceed a range of 55-60 dB(A) when measured at 1.5 metres above the ground level in the centre of any outdoor play area

From the DCP, noise levels are specified for outdoor play areas, but no specific noise controls are specified for cot rooms. As such, we will look at the NSW Traffic Noise Policy, as presented below.

### 4.2.2 Criteria by NSW Road Noise Policy

Table 3 –NSW Traffic Noise Policy

Space	Noise Criteria
Sleeping Rooms	35 dB(A) $L_{eq, 1\text{ hour}}$
Indoor Play Areas	40 dB(A) $L_{eq, 1\text{ hour}}$
Outdoor Play Areas	55 dB(A) $L_{eq, 1\text{ hour}}$

### 4.2.3 Summary of Noise Intrusion Criteria

Space	DCP Criteria	NSW Road Noise Policy Criteria
Sleeping Rooms	35 dB(A) $L_{eq, 1\text{ hour}}$	N/A
Indoor Play Areas	40 dB(A) $L_{eq, 1\text{ hour}}$	48 dB(A) $L_{10, 1\text{ hour}}$
Outdoor Play Areas	55 dB(A) $L_{eq, 1\text{ hour}}$	55-60 dB(A) $L_{10, 1\text{ hour}}$

### 4.2.4 Analysis

Traffic noise intrusion into the proposed development was assessed using the measured external noise levels reported above as a basis.

Calculations were performed taking into account the orientation of windows, the total area of glazing, facade transmission loss and room sound absorption characteristics. In this way the likely interior noise levels can be predicted. Recommended building constructions to address road traffic noise impacts are set out in Section 6.

## 5 NOISE EMISSION ASSESSMENT

### 5.1 BACKGROUND NOISE MEASUREMENTS

Unattended background noise monitoring has been conducted in order to characterise the existing noise environment in the absence of noise resulting from the normal operation of the proposed childcare centre.

An unattended noise monitor was used on site to obtain noise levels within the vicinity of the development, and it was located at the rear of the site, as indicated in Figure 1 above.

Unattended monitoring was conducted between the 15<sup>th</sup> and 22<sup>nd</sup> March 2016. Unattended noise measurements were obtained using an Acoustic Research Laboratories Pty Ltd noise logger. The logger was programmed to store 15-minute statistical noise levels throughout the monitoring period. The noise monitors were calibrated at the beginning and the end of the measurement using a Rion NC-73 calibrator. No significant drift was detected. All measurements were taken on A-weighted fast response mode. There were no significant periods of adverse weather conditions during the measurement period. Refer to Appendix 1 for unattended noise data.

Our measured rating background noise levels are presented below.

#### 5.1.1 Measured Background Noise Levels

Appendix 1 provides the data of the unattended noise monitoring. The measured background noise levels from the unattended monitoring are presented in the table below;

Table 4 - Measured Rating Background Noise Levels, dB(A) L<sub>90</sub>

Location	Period/Time	Background Noise Level
Rear of Site	Day (7am to 6pm)	40 dB(A) L <sub>90</sub>

## 5.2 NOISE EMISSION CRITERIA – OUTDOOR PLAY AREA

### 5.2.1 Hurstville City Council DCP1–Part 5.4 – Child Care Centres

#### Section 5.4.14.2 Acoustic Amenity

Noise readings (measured at any point on the boundary of the site between the proposed Child Care centre and adjoining property), should not exceed 10dBA above the background noise level during the hours of operation of the Centre. The noise readings are to be measured over a 15-minute period and are to be undertaken in accordance with the requirements of the NSW Department of Environment and Climate Change.

Table 5 – Summary of Noise Emission Criteria of Outdoor Play Area

Location	Period/Time	Background Noise Level dB(A) L <sub>90</sub>	Intrusiveness Noise Emission Goal dB(A) L <sub>eq(15min)</sub> Background + 10dB
Nearby Residences	Day (7am-6pm)	40	50

## 5.3 NOISE EMISSION CRITERIA – MECHANICAL PLANT NOISE

### 5.3.1 EPA Industrial Noise Policy

The EPA Industrial Noise policy has two acoustic criteria – the Intrusiveness Criteria and the Amenity Criteria, both of which are outlined below.

#### 5.3.1.1 EPA Industrial Noise Policy – Intrusiveness Criteria

This guideline is intended to limit the audibility of noise emissions at residential receivers and requires that noise emissions measured using the L<sub>eq</sub> descriptor not exceed the background noise level by more than 5 dB(A). Where applicable, the intrusive noise level should be penalised (increased) to account for any annoying characteristics such as tonality.

Table 6 - Intrusiveness Noise Emission Goals

Location	Period/Time	Background Noise Level dB(A) L <sub>90</sub>	Intrusiveness Noise Emission Goal dB(A) L <sub>eq(15min)</sub> Background + 5dB
Nearby Residences	Day (7am-6pm)	40	45

#### 5.3.1.2 EPA Industrial Noise Policy – Amenity Criteria

This guideline is intended to limit the absolute noise emission within an suburban area from all noise sources. The amenity for suburban area is summarised below in the following table;

Table 7 - Amenity Noise Emission Goals

Location	Period/Time	Amenity Noise Emission Goal dB(A) $L_{eq(period)}$
Nearby Residences	Day (7am-6pm)	55

#### 5.3.1.3 Resultant Criteria

Pursuant to the criteria above and the measured background noise levels on site, the noise emission objectives for the development are set out below.

Table 8 - Noise Emission Objectives – Mechanical Plant

Receiver	Period	Criteria to be adopted	Noise Emission Objective dB(A) $L_{eq(15min)}$
Nearby Residences	Day (7am – 6pm)	EPA-INP (Background + 5dB(A))	45

## 5.4 EXTERNAL NOISE EMISSION PREDICTIONS

### 5.4.1 Typical Outdoor Playing Noise Data

Noise emission from the play areas are predicted based on the following information and assumptions:

- As per the AAAC, it has been assumed that children between the ages of;
  - 0-2 Years old have a SWL 78dB(A) for a group of 10 children playing
  - 2-5 Years old have a SWL 85dB(A) for a group of 10 children playing
- Calculations are based on predictions that children are evenly distributed within the outdoor play area, and in the designated areas
- That recommended building construction and management controls in Section 6 of this report are adopted.

### 5.4.2 Outdoor Play Noise Emission Predictions

Noise predictions have been assessed based on the noise data presented above and presented at the nearest receivers;

Table 9 - Predicted Noise Levels from Outdoor Areas

Receiver	Noise Source	Predicted Noise Level dB(A) <sub>Leq(15min)</sub>	Criteria dB(A) <sub>Leq(15min)</sub>	Complies
Receiver 1	32 children playing externally in the outdoor play area	50	50	Yes
Receiver 2		48		
Receiver 3		47		

#### 5.4.3 Indoor Play Area

Noise Levels generated from indoor structured activities (i.e. lessons) are based on 75 dB(A) Sound Pressure Level measured by this office for similar projects.

The noise level at the nearest residents was predicted using the above data and by taking into account any expected noise reduction provided by the building fabric, distance losses, directivity, barrier effects, etc. The table below shows the predicted noise levels from lessons.

Table 10 - Predicted Noise Levels from Indoor Play Area

Receiver	Noise From	Predicted Noise Level dB(A) $L_{eq}(15min)$	Criteria dB(A) $L_{eq}(15min)$	Complies
Receiver 1	Internal Class	24	50	Yes
Receiver 2		<20		
Receiver 3		<20		

Note: These predictions assume that rear windows are closed.

#### 5.5 MECHANICAL NOISE EMISSIONS

All mechanical plant for the proposed child care centre shall be selected and treated to comply with the EPA Industrial Noise Policy and any Council requirements.

At this stage, no mechanical plant is proposed. If necessary, acoustic treatments for mechanical plant may be determined at CC stage, with the provision of acoustic screens, silencers etc as necessary.

## 6 RECOMMENDED TREATMENTS – BUILDING AND MANAGEMENT

The following building and management controls are required in order to control:

- Traffic noise intrusion from Croydon Road
- Noise emission from outdoor and indoor play activities.

### 6.1 BUILDING CONSTRUCTION

#### 6.1.1 Glazing

- Glazing fronting Croydon Road to the internal play area is to be 4mm float with STC 27, and full perimeter Q-lon seals.
- Glazing to the cot room along Croydon Road is to have minimum 10.38mm laminated with STC 35, to all facades of the cot room.
- Glazing to the cot room on the north-western façade is to be minimum 6mm float with STC 29, and full perimeter Q-lon seals.
- Glazing to the rear of the development is required to be minimum 6mm float with STC 29, and full perimeter Q-lon seals

#### 6.1.2 Fencing

- It is noted that the child play area RL will be approximately 2 metres below the neighbouring RL level. The fence heights listed below are to be located from the neighbouring RL levels.
- A minimum 3.1m high equivalent fence with canopy is required to the rear perimeter boundary of the development, as indicated in Figure 2 below. The canopy requirement is detailed below in Figure 3.
- A minimum 1.8m high fence is required along the north-western side perimeter of the outdoor play area, as indicated in Figure 2 below.
- A minimum 1.8m high fence is required along the south-eastern side perimeter of the outdoor play area, as indicated in Figure 2 below.
- In all cases, the fences along the boundary of the project site, of height specified above, may be constructed of lapped and capped timber. Other fence/canopy elements may consist of flexi-glass, 4mm Perspex, Colorbond, 9mm fibrous cement sheet or equivalent. Fence and canopy to be installed with no gaps between the panels, and maximum 50mm gap at the bottom to allow water flow.



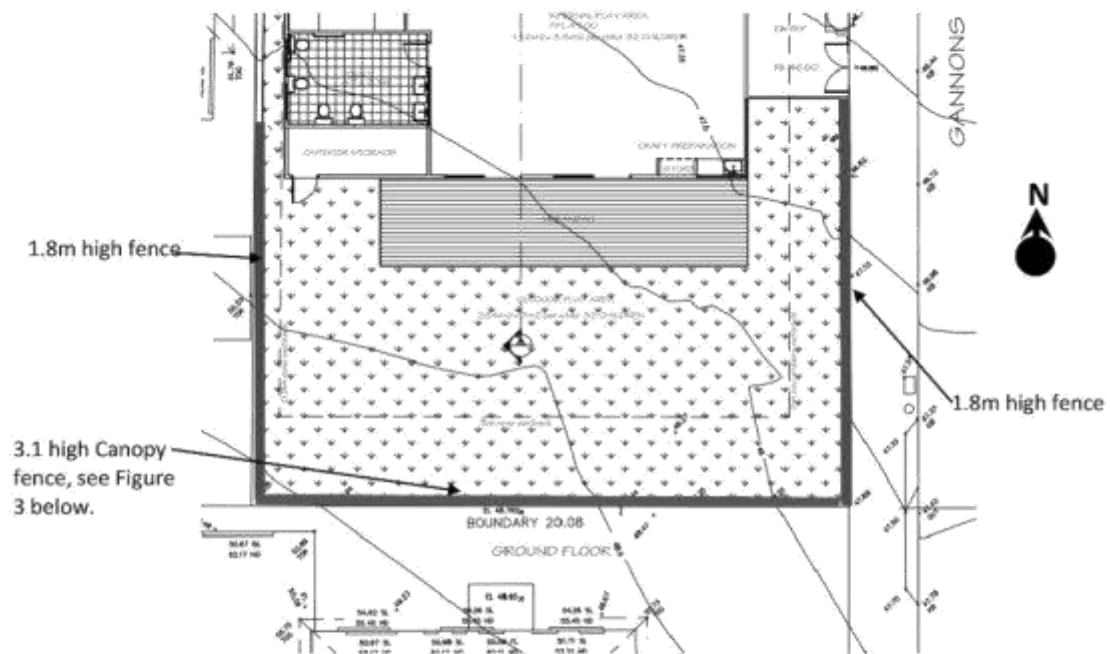


Figure 2: Barrier Requirements

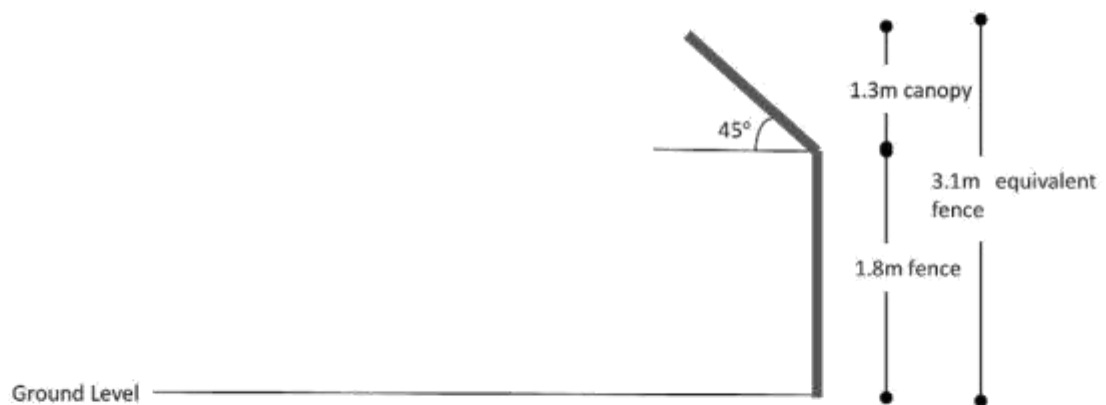


Figure 3: 3.1 metre Equivalent Canopy Fence

#### 6.1.3 Management Controls

##### **Outdoor Play Area**

A total of 32 children can play simultaneously within the external play area.

##### **General Site Management**

- Management is to ensure children are supervised at all times to minimise noise generated by the children whenever practical and possible.
- Install a contact phone number at the front of the centre so that any complaints regarding centre operation can be made.

## 7 CONCLUSION

Potential noise impacts from the proposed Child Care Centre at 123 Croydon Road, Hurstville have been assessed at the nearest potentially affected receivers.

A noise intrusion assessment has been conducted to meet the requirements of Hurstville Council DCP1 and the NSW EPA Road Noise Policy given that the acoustic treatments/management controls presented in Section 6 of this report are adopted.

An external noise emission assessment of the children's play areas on neighbouring properties indicates that the proposed childcare centre will comply with the requirements of the Hurstville Council DCP1 given that the acoustic treatments/management controls presented in Section 6 of this report are adopted.

Noise emission goals of any mechanical plant has been set based on the requirements of the Industrial Noise Policy in Section 5.3.

Please contact us should you have any further queries.

Yours faithfully,



Acoustic Logic Consultancy Pty Ltd  
Johan Davydov

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## Appendix 1

### Unattended Noise Measurements

123 Croydon Road, Hurstville

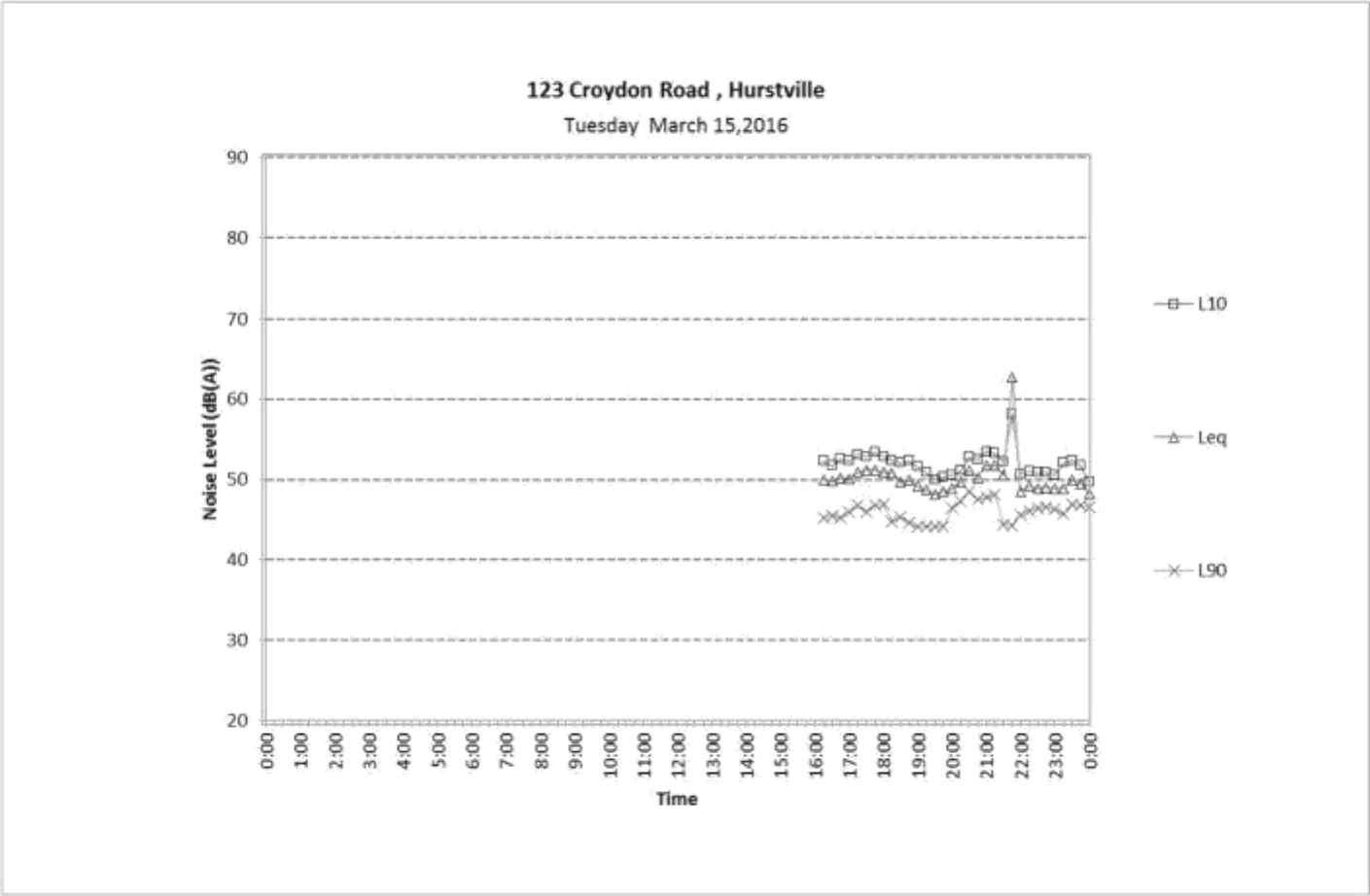
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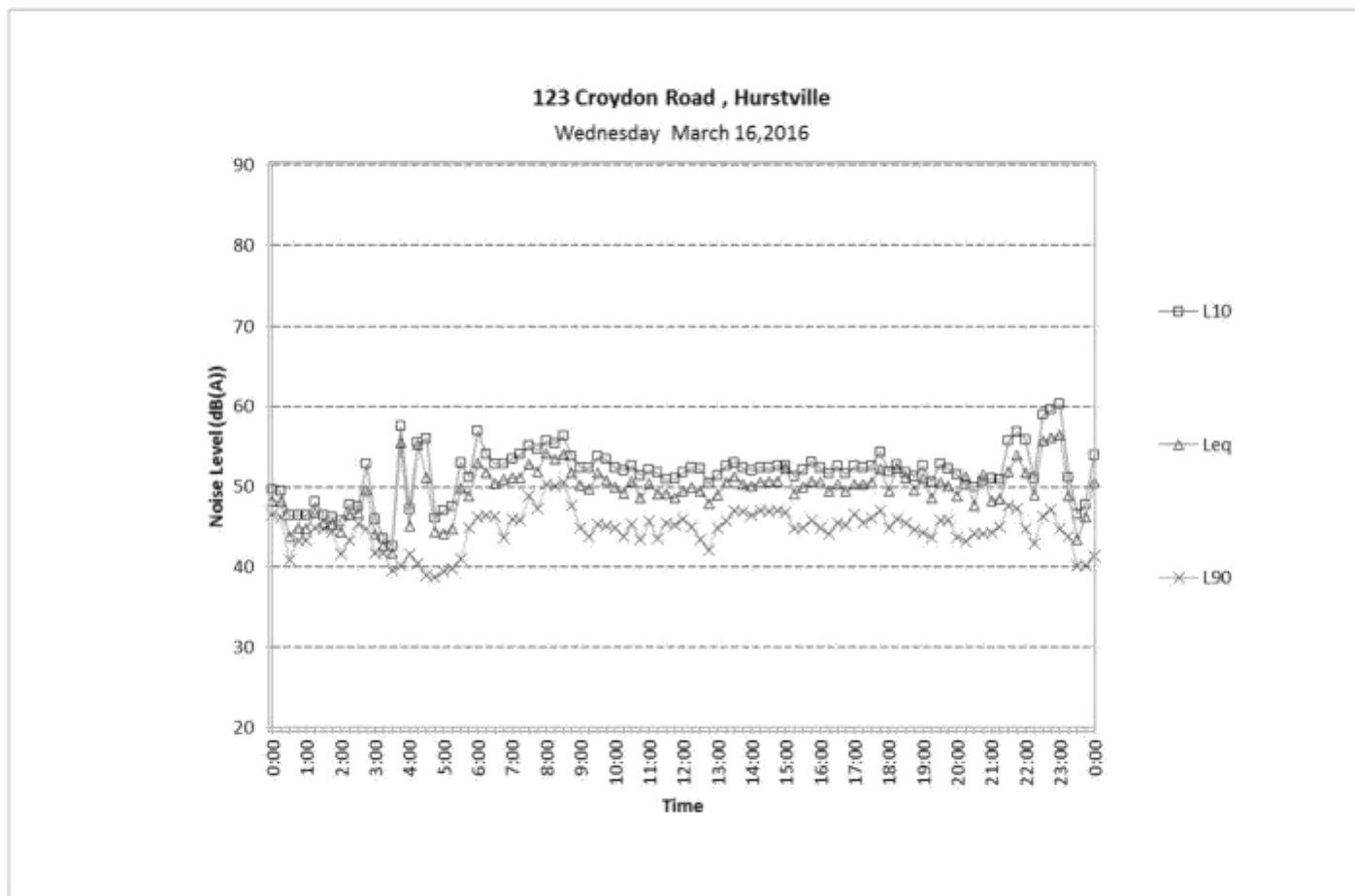
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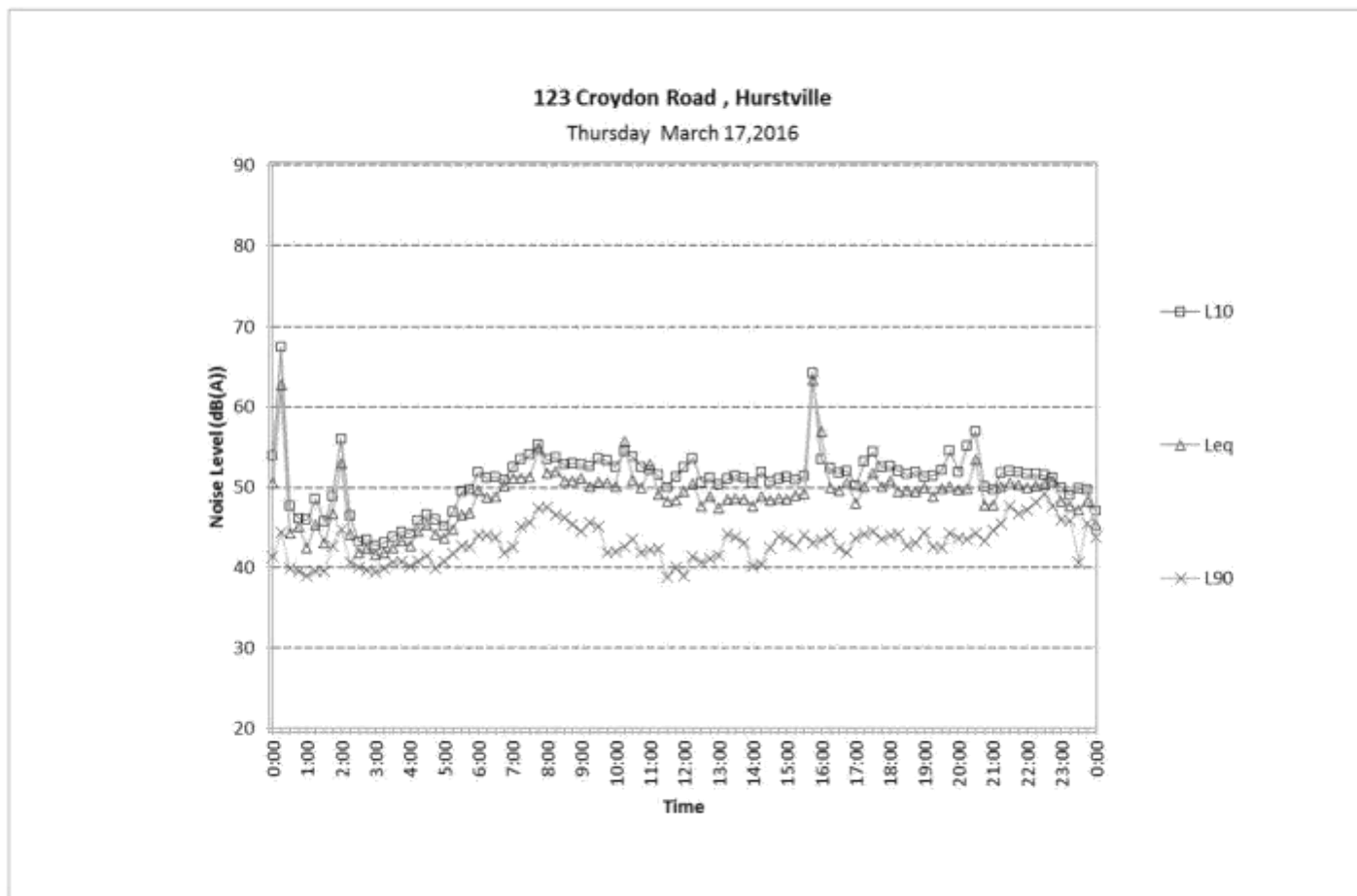
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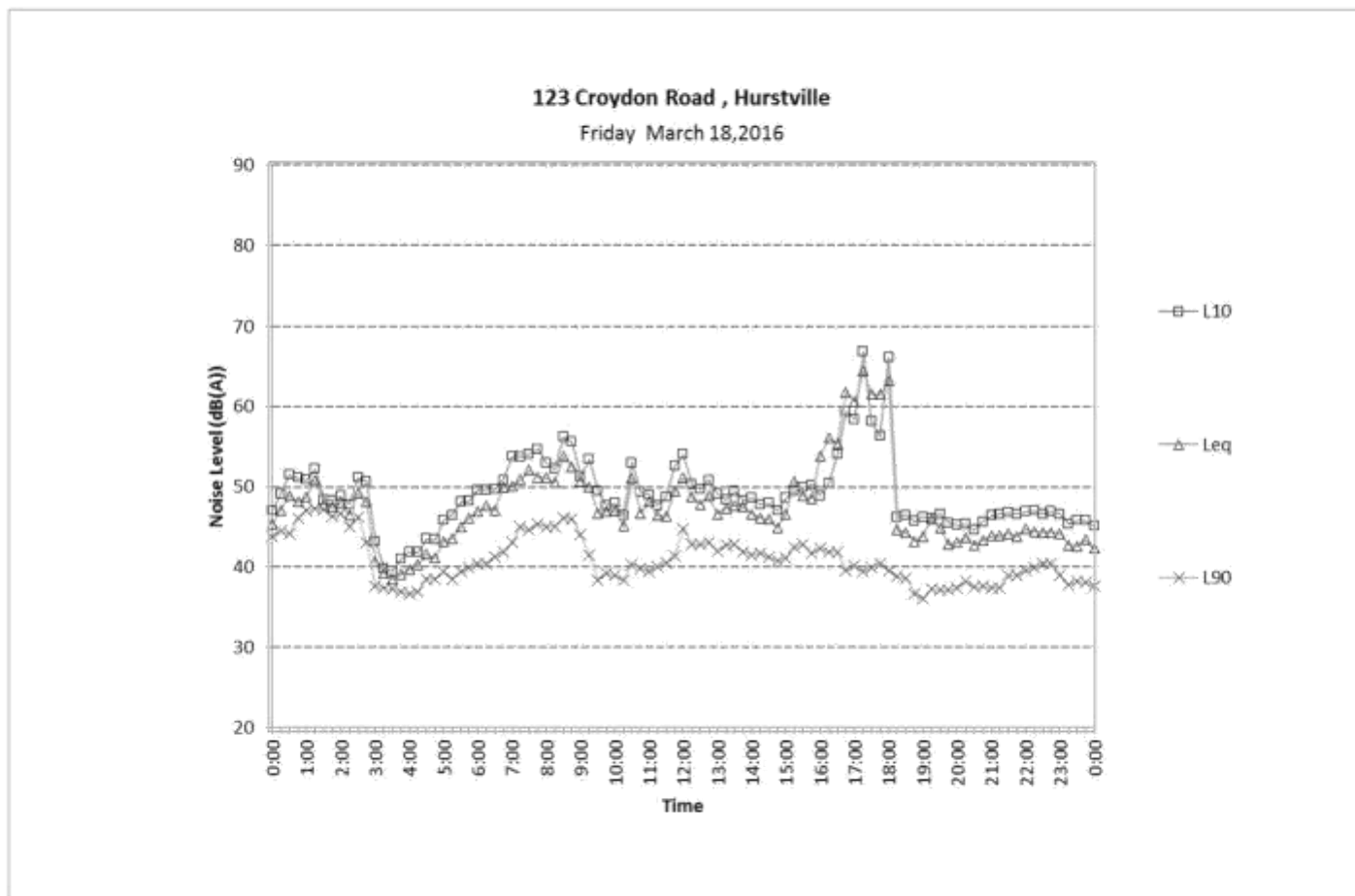
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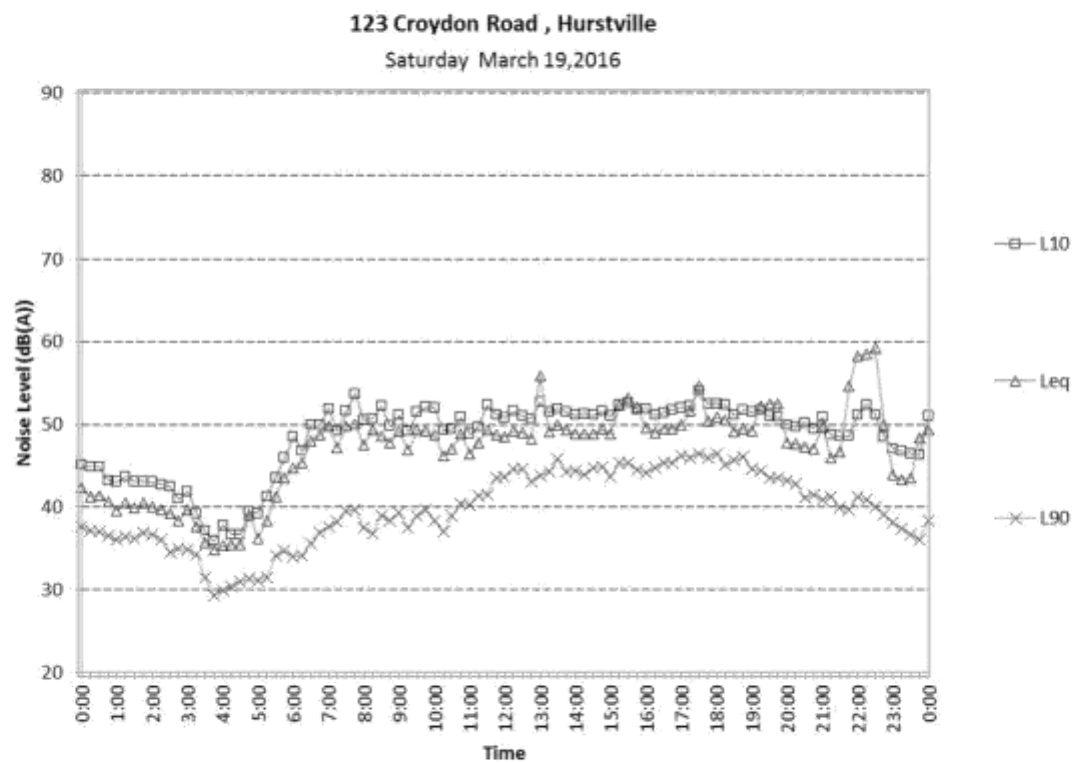


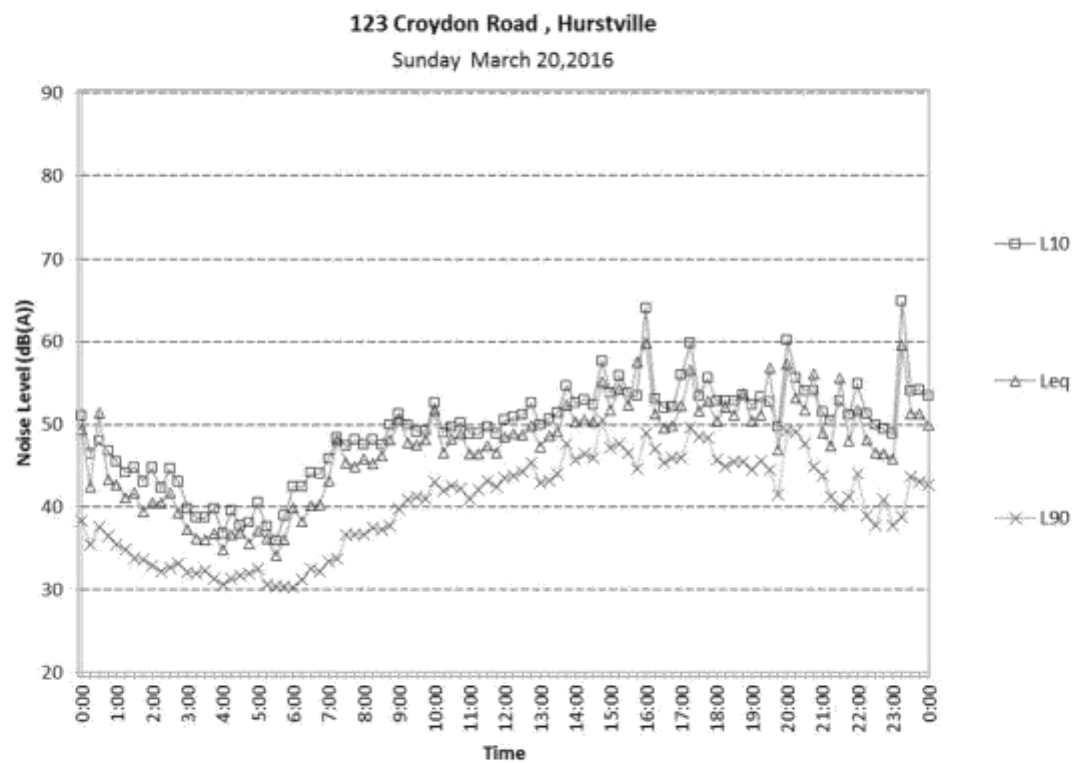


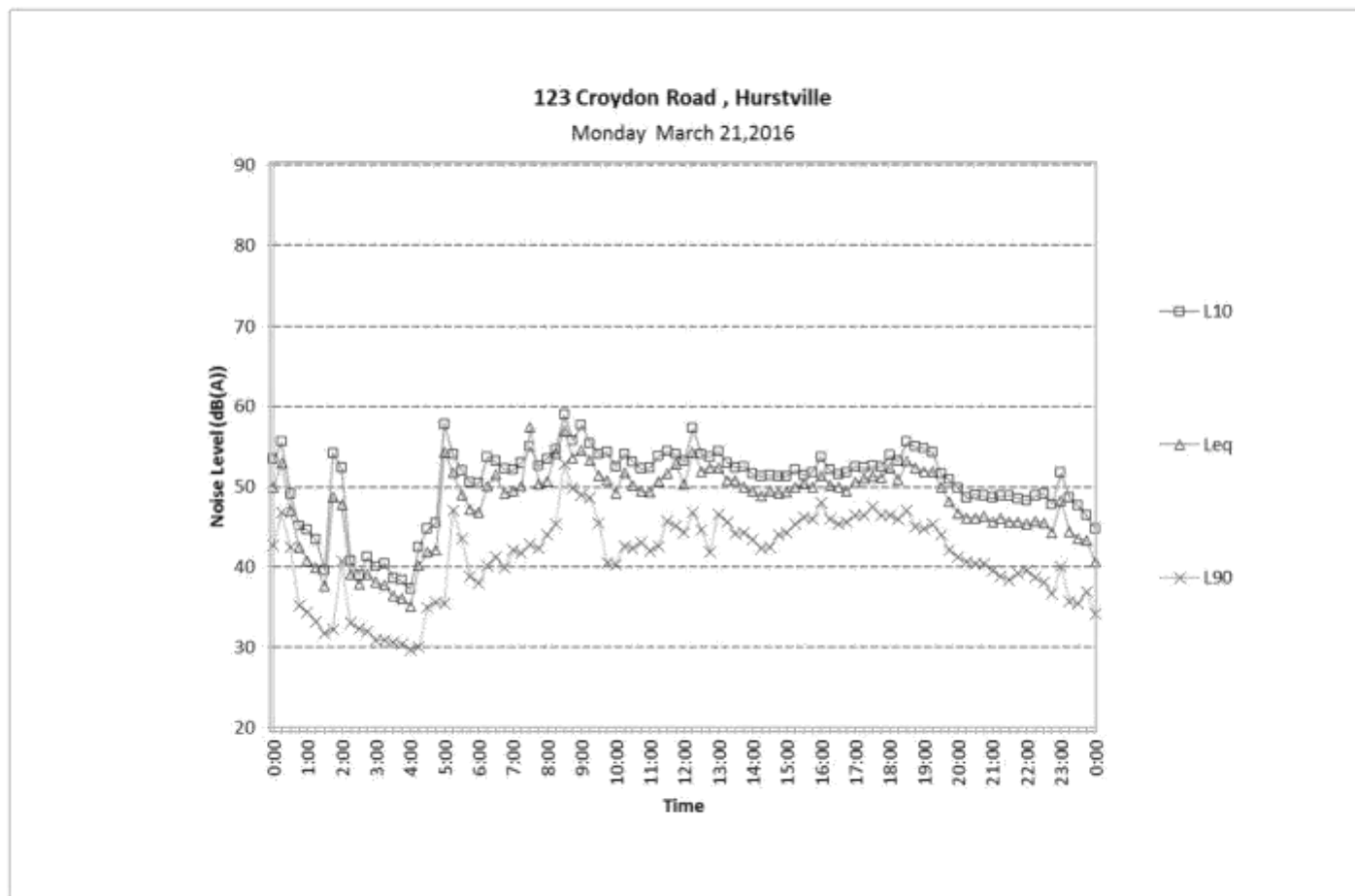


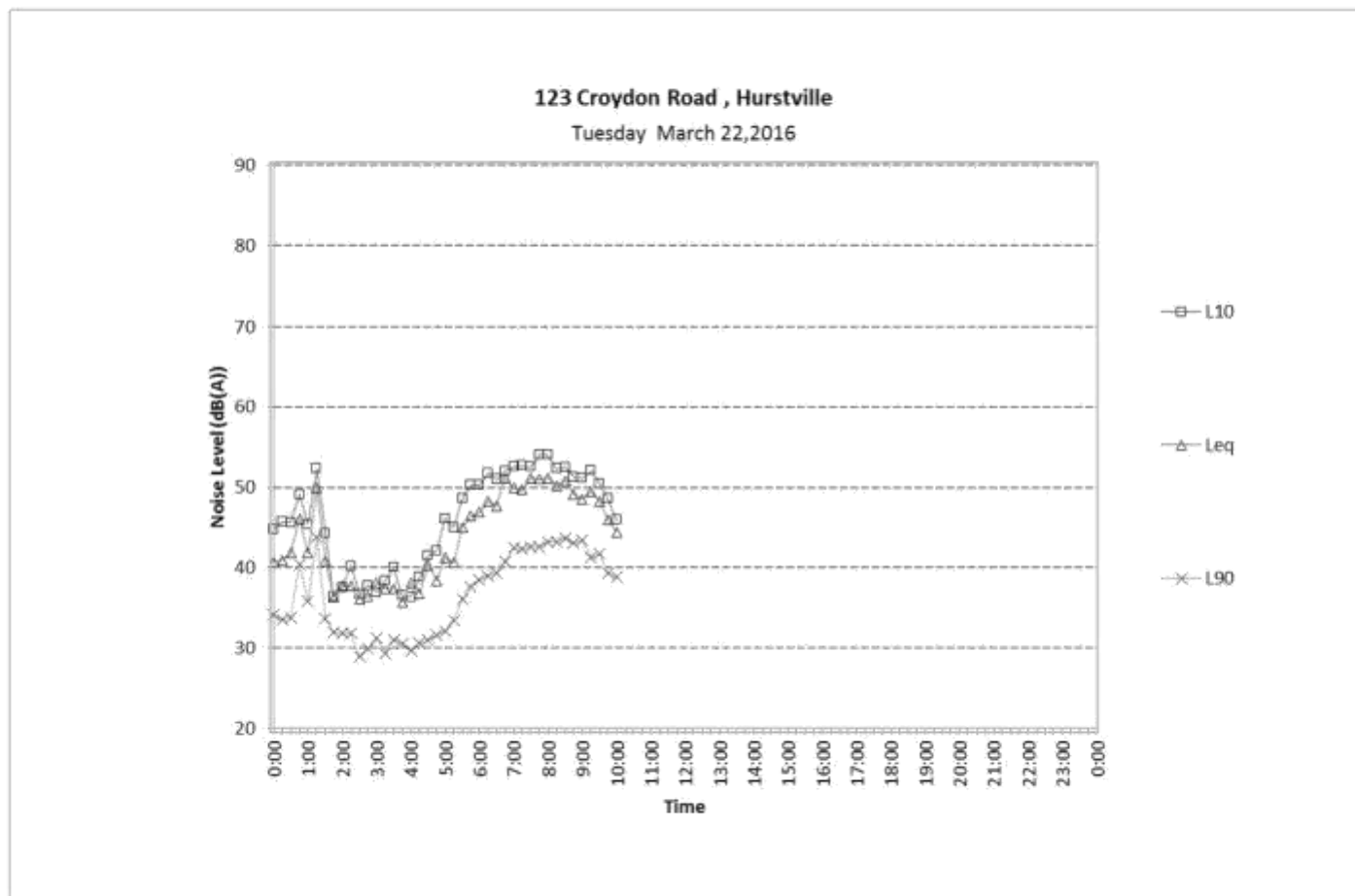


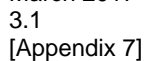












# REPORT TO GEORGES RIVER COUNCIL

## IHAP MEETING OF THURSDAY, 23 MARCH 2017

<b>IHAP Report No</b>	<b>3.2</b>	<b>Application No</b>	<b>2016/0003</b>
<b>Site Address &amp; Ward Locality</b>	55A Vista Street, Sans Souci Kogarah Bay Ward		
<b>Proposal</b>	Alterations and additions to dwelling, including additional floor and new roof and enclosure of carport and adjoining structures		
<b>Report Author/s</b>	Senior Planner, Gregory Hansell		
<b>Owners</b>	Mr B N Berrigan		
<b>Applicant</b>	Project Planning and Design		
<b>Zoning</b>	E4 Environmental Living		
<b>Date Of Lodgement</b>	12/01/2016		
<b>Submissions</b>	Two (2) submissions following the second round of public notification		
<b>Cost of Works</b>	\$370,810.00		
<b>Reason for Referral to IHAP</b>	Submissions of objection have been received and remain unresolved and the proposal exceeds the current FSR and height controls.		

<b>Recommendation</b>	<p>That council as the consent authority and pursuant to Section 80(1)(a) of the Environmental Planning &amp; Assessment Act 1979 grant consent to Development Application No. 3/2016 for alterations and additions to the existing dwelling house including an additional floor level and enclosure of the existing carport at property No. 55A Vista Street, Sans Souci subject to the conditions included in this report and including the following requirements:</p> <ul style="list-style-type: none"> <li>▪ Deletion of the 'sun decks' located on the uppermost floor level and their replacement with non-trafficable roof area.</li> <li>▪ Deletion of the fascia board parapets surrounding the roof over the uppermost floor level.</li> <li>▪ Imposition of maximum reduced levels for the roof over the carport and the roof over the uppermost floor level.</li> </ul>
-----------------------	---

## Site Plan



## Executive Summary

### Proposal

1. Council is in receipt of an application for alterations and additions to the existing dwelling house including an additional floor level and enclosure of the existing carport on the subject site.

### Site and Locality

2. The subject site is a hatchet shaped lot located off the western side of Vista Street between Endeavour Street and Wellington Street and has frontage to reclaimed crown land adjoining Kogarah Bay. The site is occupied by a two (2) storey dwelling house, together with an attached carport and boatshed. Immediately to the north, south and east of the subject site are detached dwelling houses.

### Kogarah Local Environmental Plan 2012 (KLEP 2012) Compliance

3. The site is zoned E4 Environmental Living under KLEP 2012 wherein the proposal is a permissible form of development with council's consent. The proposal satisfies all relevant clauses contained within KLEP 2012.

### Kogarah Development Control Plan 2013 (KDCP 2013) Compliance

4. The proposal involves variations to several controls in KDCP 2013 including most notably the building density and height controls and visual privacy controls relating to balconies and terraces. The bulk and scale of the proposal is acceptable subject to minor design changes to the roof over the uppermost floor level, as recommended in this report. The extent of the balconies/terraces on the uppermost floor level is unacceptable and should be substantially reduced, as recommended in this report.

## **Submissions**

5. Submissions of objection were received from five (5) adjoining/nearby properties in response to the public notification of the original plans submitted with the application. Following the submission of amended plans and their subsequent public notification, two (2) submissions of objection was received from the adjoining property located directly to the east of the site. Several issues are raised in these submissions including most notably issues relating to view loss and view sharing, visual privacy and bulk impacts and non-compliances with height and other controls.

## **Conclusion**

6. Having regard to the heads of consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment of the proposal, Development Application No. 3/2016 should be approved subject to conditions including the design changes as recommended in this report.

## **Report In Full**

### **Proposal**

1. Council is in receipt of an application for alterations and additions to the existing dwelling house including an additional floor level and enclosure of the existing carport.
2. The dwelling house will be partly three (3) levels as a result of the additional floor level. The existing lower ground floor level of the dwelling accommodates bedroom and living area accommodation and a boatshed and will remain unchanged. The existing upper ground floor level of the dwelling accommodates the main living areas and will be modified by way of minor internal alterations to include stairway access from this floor level to the proposed additional floor level above. The balustrades enclosing the existing balcony at this level and the existing sundeck over the boatshed are to be removed and replaced with new laminated glass balustrades.
3. The additional floor level comprises a new main bedroom and associated amenities. This floor level occupies a reduced footprint and is well setback from the southern and northern perimeters of the dwelling and eastern boundary of the site. This floor level includes a covered balcony and open sundecks that extend to the southern, northern and western perimeters of the dwelling.
4. The existing carport is to be renovated such that it becomes fully enclosed. This is to be achieved by the removal of the existing sheet metal and timber pergola roofing and its replacement with a new metal sheet roof including skylights; construction of a new support wall adjacent to the southern side boundary; and installation of a new security shutter at the entry to the carport.
5. The dwelling, as extended and altered, features cement rendered and painted masonry and light weight clad external walls and shallow pitched sheet metal roofing obscured from view at its perimeters by fascia boards.



## Site and Locality

6. The subject site is located off the western side of Vista Street between Endeavour Street and Wellington Street and has frontage to reclaimed crown land (subject of a lease to the owner of the site) adjoining Kogarah Bay.



7. The allotment comprising the site is hatchet shaped by reason of a 3.6m wide access corridor that extends from Vista Street to the main body of the lot. It has an overall area of 543.8m<sup>2</sup> and a width of approximately 19.1m and depth ranging from 21.5m to 28.2m throughout its main body. The access corridor forms the driveway access to and from the site.
8. The site is occupied by a two (2) storey dwelling house comprising of face brick external walls and a shallow pitched, skillion form sheet metal roof. Between the dwelling and eastern boundary of the site is a carport with a sheet metal and timber pergola roof. Between the dwelling and western boundary of the site is a boatshed with a roof terrace. The reclaimed land located westwards and beyond the rear boundary of the site includes an in-ground swimming pool surrounded by turf and palm trees. At the western edge of the reclaimed land is a sea wall and beyond this wall is a sandy beach and a jetty, ramp and pontoon structure.



9. The main body of the lot falls away towards Kogarah Bay over an elevation of up to 3.5m by way of a steep embankment that separates upper and lower terraced levels. The existing dwelling is located predominantly downslope of this embankment on the more level portion of the site. The existing carport is located upslope of this embankment.
10. Immediately to the north, south and east of the subject site are detached dwelling houses. The wider locality is predominantly low density residential in character. The site enjoys expansive views over the waterways of Kogarah Bay towards the foreshores of the Blakehurst and Carss Park localities opposite.

## Background

11. A history of the proposal is provided as follows:
  - The application was submitted on 12 January 2016.
  - The application was placed on exhibition, with the last date for public submissions being 10 February 2016. Submissions were received from five (5) adjoining/nearby properties.
  - The applicant was requested by letter dated 15 March 2016 to address issues related to bulk and scale, height and number of storeys, view sharing, visual and aural privacy and overshadowing.
  - The applicant by letter dated 2 April 2016 sought an extension of time to 1 June 2016 in which to respond to council's issues. The applicant was advised by email dated 18 April 2016 that the request was acceptable.
  - The applicant by letter dated 18 May 2016 sought an extension of time to 30 June 2016 in which to respond to council's issues. The applicant was advised by email dated 26 May 2016 that the request was acceptable.
  - Revised plans and further information addressing council's issues were received on 28 June 2016.
  - The applicant was requested by email dated 30 June 2016 to amend the revised plans such that they more clearly and accurately reflected what was now being proposed and updated plans were subsequently received on 19 July 2016.

- The revised plans were placed on exhibition, with the last date for public submissions being 11 August 2016. Submissions were received from the adjoining property directly to the east of the site.
- The applicant was requested by email dated 7 October 2016 to provide a registered surveyor's certification of the reduced level and setbacks of 'height poles' (erected on the roof of the existing house for the purpose of assisting in the assessment of view impacts) and this information was subsequently received on 17 November 2016.

## Section 79C Assessment

12. The following is an assessment of the application with regard to Section 79C (1) of the Environmental Planning and Assessment Act 1979.

### *(a)(i) The provisions of any environmental planning instrument*

#### **Kogarah Local Environmental Plan 2012 (KLEP 2012)**

##### **Clause 2.1 – Land Use Zones**

13. The subject site is zoned E4 Environmental Living and the proposal is a permissible form of development with Council's consent. The proposed development satisfies the objectives of the zone in that it is low impact and results in no adverse effects on the ecological, scientific or aesthetic values of the locality.



##### **Clause 5.9 – Preservation of Trees or Vegetation**

14. The proposed development does not involve the removal of any tree or vegetation subject to the provisions of this clause.

##### **Clause 5.10 – Heritage Conservation**

15. The subject site is not listed as a heritage item in Schedule 5 or located within a designated heritage conservation area, nor are there any heritage items located nearby.

### Clause 6.1 – Acid Sulfate Soils

16. The subject site is identified as class 5 on the Acid Sulfate Soil Map. However, the works proposed to be carried out involve the disturbance of less than 1 tonne of soil and are not likely to lower the water table.

### Clause 6.2 – Earthworks

17. The proposed earthworks are considered acceptable having regard to the provisions of this clause as the works are not likely to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

### Clause 6.3 – Flood Planning

18. The subject site has not been identified as a flood planning area on the Flood Planning Maps.

### Clause 6.4 – Limited Development on Foreshore Area

19. The subject site is affected by a 45m foreshore building line (FBL) and therefore the provisions of this clause are applicable. The proposed additional floor level is located centrally within the footprint of the existing dwelling, well outside of the defined foreshore area. Only a relatively minor portion of the existing boatshed is located within the defined foreshore area.
20. The only building works proposed within the foreshore area comprise the removal of the existing balustrades enclosing the sundeck over the boatshed and their replacement with new laminated glass balustrades. These building works satisfy the zone objectives and relevant matters for consideration prescribed under this clause, particularly given their minimal extent and scale. The proposed glazed balustrades will be an improvement upon the existing metal slat balustrades in that they will be less visually intrusive and more contemporary aesthetically. The significance and amenity of the foreshore area of the subject site will not be unreasonably impacted, consistent with the clause objectives.

### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

21. A BASIX Certificate has been issued for the proposed development and the commitments required by the BASIX Certificate have been satisfied.

### **Deemed State Environmental Planning Policy – Georges River Catchment**

22. All stormwater from the proposed development can be treated in accordance with Council's Water Management Policy and would satisfy the relevant provisions of the Deemed State Environmental Planning Policy – Georges River Catchment.

### ***(a)(ii) The provisions of any exhibited draft environmental planning instrument***

23. A Planning Proposal for the New City Plan (NCP) to amend Kogarah LEP 2012 was on exhibition from Monday 30 March 2015 until Friday 29 May 2015. The NCP includes changes to zonings and the introduction of development standards in parts of the city to deliver a range of new housing options. Specifically, the NCP proposes to rezone the subject site to an R2 Low Density Residential zone. The proposal being for the purpose of a dwelling house will remain permissible with consent under this proposed zone.
24. The proposal does not comply with the prescribed building density standard in the NCP. The building density standard under the NCP simply replicates the current 0.55:1 floor space ratio limit for the site. The proposal just complies with the building height standard in the NCP which is set at 9m for the subject site. Notwithstanding the departure from the building density standard, the bulk and scale of the proposal is acceptable on merit having regard to the objectives and particular circumstances of the case. This matter is discussed in more detail later in this report.
25. There are no other draft planning instruments that are applicable to this site.

**(a)(iii) The provisions of any development control plan**

**Kogarah Development Control Plan 2013**

26. The proposed development is subject to the provisions of Kogarah Development Control Plan 2013 (KDCP 2013). The following table outlines the proposal's compliance with the primary controls contained within KDCP 2013.

Control	Required	Proposed	Complies?
Floor Space Ratio/ Gross Floor Area	0.55:1 or 299.1m <sup>2</sup> (max)	0.66:1 or 358.1m <sup>2</sup>	No – see below
Building Height - Upper Ceiling - Roof Parapet - Roof Ridge	7.2m (max) 7.8m (max) 9m (max)	8.2m (max) 8.85m (max) 8.6m (max)	No – see below No – see below Yes
Number of Residential Levels	3 (max)	3	Yes
Setbacks - Side (North) - Side (South) - Side (West)	1.2m (min) 1.2m (min) 1.2m (min)	1.3m (as existing) Nil + (as existing) Nil + (as existing)	Yes No – see below No – see below
Deep Soil Landscape Area	15% (81.6m <sup>2</sup> )	15.3% (83.2m <sup>2</sup> )	Yes
Balconies/Terraces - Total Area - Width - Setback	40m <sup>2</sup> (max) 2.5m (max) 3m (min)	155m <sup>2</sup> 2m-4m 1.1m-1.3m	No – see below No – see below No – see below
Car Parking	2 spaces (min)	2 spaces	Yes

27. The following comments are made with respect to the proposal satisfying the objectives and controls contained within KDCP 2013.



### Floor Space Ratio

28. Based on council's interpretation of 'gross floor area' as defined in KLEP 2012, the proposal exceeds the maximum 0.55:1 floor space ratio control by 59m<sup>2</sup> (or 19.7% proportionally). Notwithstanding, a variation to this control is reasonable having regard to the underlying objectives and particular circumstances of the case.
29. The lot comprising the subject site has an area of 543.8m<sup>2</sup> based on information contained in the relevant deposited plan. However, the site is perceived to be much larger in area by virtue of reclaimed crown land along the waterfront immediately adjoining the site. This reclaimed crown land is 243.3m<sup>2</sup> in area and occupied by an in-ground swimming pool and turf, gardens and palm trees. This reclaimed land is leased to the owner of the subject site and subject to council rates. This reclaimed land also has the same land use zone as the subject site.
30. Viewed from the waterways and adjacent foreshores, the boundary between the private property and reclaimed crown land is not discernible. The reclaimed crown land presents as an extension of the rear yard of the subject site. For practical purposes, the reclaimed crown land forms part of the subject site. Based on the inclusion of the reclaimed crown land in the site area and application of the sliding-scale floor space ratio controls as prescribed in KDCP 2013, a maximum allowable gross floor area (GFA) of 398.6m<sup>2</sup> would apply. The proposal is well within this maximum GFA and by implication presents a building mass that is in scale with its practical site area.
31. The building bulk is distributed on the site such that there is no significant loss of amenity to adjacent sites. The new upper floor level is relatively small in size being only 63.5m<sup>2</sup> in area, located well within the existing building footprint and setback amply from the site boundaries shared with adjoining properties such that it results in minimal overshadowing, overlooking and visual bulk impacts and maintains view lines to the adjacent waterways.
32. The proposal respects the dominant building forms and scale through the use of innovative architectural responses. The floor area of the new upper floor level has been reduced to the minimum extent necessary to provide for practical and reasonable accommodation of a master bedroom and associated amenities. The 'stepped' built form of the dwelling house incorporating a reduced upper floor footprint and low pitched roof form above also ensures that the building responds appropriately to the prevailing 2-3 storey scale of existing dwelling houses within the locality.
33. It is also relevant to consider that the bulk and scale of the dwelling house is not dissimilar to that of more recent dwelling house development in the immediate locality, recognising that the site and surrounding properties are within a foreshore locality with relatively high land values. Equally, the siting of the dwelling house substantially at the base of a slope and on the more level, lower lying parts of the site helps to minimise its perceived visual bulk and scale. The perceived visual bulk and scale of the dwelling house is further minimised when viewed in the context of the highly urbanised and minimally vegetated character of adjacent foreshores and against its backdrop of dense built forms upslope.

## Building Height

34. The new upper floor level of the dwelling house exceeds the building height controls relating to the maximum height to the underside of the upper ceiling and maximum height to the top of the parapet. The underside of the upper ceiling is up to 8.2m in height above the existing site levels, as opposed to a maximum permissible height of 7.2m. The parapet form fascia boards enclosing the perimeters of the metal skillion roof are up to 8.85m above the existing site levels, as opposed to a maximum permissible height of 7.8m. Notwithstanding these variations to the building height controls, the proposal is reasonable having regard to the underlying objectives and particular circumstances of the case.
35. The height of the dwelling house is not excessive and relates well to the local context. The surrounding foreshore locality is characterised by numerous three (3) storey dwellings, many of which are visually prominent when viewed from the waterways. It is also relevant to consider that the new upper floor level occupies a relatively small footprint in comparison to the existing floor level below and incorporates minimal floor to ceiling height and a low pitched roof. The dwelling house is also well within the building height controls at its perimeters, thereby providing an appropriate transition in scale with respect to neighbouring properties.
36. As discussed previously, the proposal respects the dominant building forms and scale through the use of innovative architectural responses. The floor area of the new upper floor level has been reduced to the minimum extent necessary to provide for practical and reasonable accommodation of a master bedroom and associated amenities. The 'stepped' built form of the dwelling house incorporating a reduced upper floor footprint and minimal floor to ceiling height and low pitched roof form above also ensures that the building responds appropriately to the prevailing 2-3 storey scale of existing dwelling houses within the locality.
37. The building height is distributed on the site such that there is no significant loss of amenity to adjacent sites. As discussed previously, the new upper floor level is relatively small in size being only 63.5m<sup>2</sup> in area, located well within the existing building footprint and setback amply from the site boundaries shared with adjoining properties such that it results in minimal overshadowing, overlooking and visual bulk impacts and maintains view lines to the adjacent waterways.
38. It is also relevant to consider that the bulk and scale of the dwelling house is not dissimilar to that of more recent dwelling house development in the immediate locality, recognising that the site and surrounding properties are within a foreshore locality with relatively high land values. Equally, the siting of the dwelling house substantially at the base of a slope and on the more level, lower lying parts of the site helps to minimise its perceived visual bulk and scale. The perceived visual bulk and scale of the dwelling house is further minimised when viewed in the context of the highly urbanised and minimally vegetated character of adjacent foreshores and against its backdrop of dense built forms upslope.
39. To further minimise the vertical scale of the dwelling house, it is recommended that the parapet form fascia boards surrounding the roof above the new upper floor level be deleted. This may be readily addressed by a suitable design change condition.

### Boundary Setbacks

40. The proposed new floor level includes generous setbacks from the northern, southern and eastern boundaries of the site, well beyond the prescribed minimum 1.2m setback control. These setbacks ensure that the amenity of neighbouring properties in terms of solar access, visual privacy and the like is reasonably maintained.
41. The siting of the new roof and supporting columns and walls associated with the 'garage' and 'entry portico' up to the eastern and southern boundaries of the site is reasonable having regard to the underlying objectives and particular circumstances of the case. In this regard, a roofed carport and covered area already exists between the dwelling and eastern boundary of the site and the proposed roof structure is similarly located, albeit it is slightly larger in extent. The new roof structure is less than 3m in height above the surface level of the carport and located substantially downslope of the rear yard of the adjoining property immediately to the east. The relatively new dwelling house on the adjoining property immediately to the south of the site is some 5m distance from the southern perimeter of the entry portico. Given these circumstances, no adverse impacts on the amenity of adjoining properties will arise.

### Balconies/Terraces

42. The proposed 'sun decks' located on the northern and southern sides of the top floor level are unacceptable having regard to their considerable dimensions and sizes and orientation towards and close proximity to neighbouring properties. These spaces provide opportunities for large scale entertaining which in turn could result in significant visual and aural privacy impacts upon neighbouring properties. The need for such large, elevated outdoor spaces in conjunction with a master bedroom is also questionable. The existing dwelling is already provided with reasonably generous elevated outdoor spaces off the main living areas at first floor level. The outdoor space adjoining the master bedroom and comprising the roofed 'balcony' is not unreasonable given its minimal dimensions and primary orientation towards the waterfront of the site.
43. Having regard to the above circumstances, the sun decks should be deleted and replaced by non-trafficable roof space. This may be readily addressed by a suitable design change condition.

### Views and View Sharing

44. The owner of the adjoining residential property (No.55 Vista Street, Sans Souci) immediately upslope and to the east of the site raises major concerns over the impact of the new upper floor level upon the panoramic views of the waterways and opposite foreshores currently enjoyed from the main living areas and associated outdoor areas on both levels at the rear of his dwelling house.
45. The low density housing provisions of KDCP 2013 relating to views and view sharing prescribes that 'development is to provide for the reasonable sharing of views'. The underlying objective of this control is to minimise view loss from adjoining or nearby properties, whilst still recognising the development potential of a site. These provisions also prescribe that applications will be assessed with reference to the view sharing principle established by the Land & Environment Court.



46. In *Tenacity Consulting P/L v Warringah* (2004 NSWLEC 140), Senior Commissioner Roseth in establishing the planning principle for view sharing made the following comment:
- ‘The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for their enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable). To decide whether or not view sharing is reasonable, I have adopted a four step assessment’*
47. An assessment of the proposal in terms of whether it provides for the reasonable sharing of views with respect to the objector’s dwelling and associated rear outdoor areas is provided as follows, based on the above planning principle.
48. **The first step** is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views are valued more highly than views without icons. Whole views are valued more than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.
49. The proposal affects close to long distance views across the waterways of Kogarah Bay towards the opposite foreshores of Carss Park and Blakehurst (refer to photographs below). These views include most notably the heavily vegetated slopes of Carss Bush Park to the northwest and the two (2) road bridges crossing Georges River to the southwest.
50. The views are of a high value due to their panoramic nature including waterways, vegetated foreshores and local landmarks (i.e. Carss Bush Park and Tom Ugly’s Bridge). Their value is further enhanced by their varying qualities depending on the direction of the outlook, noting that the view to the southwest towards Georges River has considerable depth and interest including a close view of the immediate eastern foreshores of the adjacent bay, as well as a long distance view of the road bridges that cross the river and vegetated ridgelines on the horizon beyond.



51. South westerly view from ‘standing position’ in middle of rear first floor balcony



52. North westerly view from 'standing position' in middle of rear first floor balcony



53. South westerly view from 'standing position' in middle of rear ground floor balcony





54. North westerly view from 'standing position' in middle of rear ground floor balcony
55. **The second step** is to consider from what part of the property the views are obtained. The protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. The expectation to retain side views and sitting views is often unrealistic.
56. The views as defined in the first step are obtained from living areas and associated outdoor areas on both levels at the rear of the dwelling house. These views are obtained across the rear boundary and minor portions of the side boundaries of the objector's property from both sitting and standing positions.
57. **The third step** is to assess the extent of the impact. This should be done for the whole of the property not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued as people spend so much time in them).
58. The objector's property does not enjoy any views other than those that are available in a south westerly to north westerly direction from the rear of their dwelling and associated outdoor areas. The extent of the impact varies considerably depending on the vantage point chosen.
59. In assessing the extent of view impact, regard has been given to the height poles erected by the applicant for the purpose of assisting council in the assessment of this issue, together with the mapping and survey information available within council's records. Based on the difference in levels between the finished level of the rooftop of the new upper floor of the proposal and the 'eye' level of a person standing on the upper floor rear balcony of the objector's dwelling, together with the distance between the foreshores on the opposite side of Kogarah Bay and the subject site, the land/water interface of the foreshores opposite will still be visible above the new upper floor roof. This conclusion correlates with the actual view with the height poles in place.

60. Viewed from the rear ground floor balcony and adjacent indoor living space, the new upper floor level will remove much of the view of the land-water interface and foreshores opposite across the bay. However, view corridors to the southwest and northwest including views of the waterways of Georges River and the lower reaches of Kogarah Bay, the bridge crossings at Tom Ugly's Point and the leafy foreshores of Carss Bush Park will still be maintained. As view corridors including views of waterways, vegetated foreshores and local landmarks are being maintained either side of the new upper floor level, the impact from this vantage point is deemed to be moderate to severe, depending on the position of the viewing point.
61. Viewed from the rear first floor balcony and to a lesser extent the adjacent indoor living space, the new upper floor level will remove only part of the westerly view of the waterways, with the view of the land-water interface and foreshores opposite across the bay being maintained. Substantial view corridors to the southwest and northwest including views of the waterways of Georges River and the lower reaches of Kogarah Bay, the bridge crossings at Tom Ugly's Point and the leafy foreshores of Carss Bush Park will still be maintained. As views of the land-water interface and foreshores on the opposite side of the bay are being maintained over the top of the new upper floor level and view corridors including views of waterways, vegetated foreshores and local landmarks are being maintained either side of the new upper floor level, the impact from this vantage point is deemed to be moderate at worst, depending on the position of the viewing point.
62. **The fourth step** is to assess the reasonableness of the proposal that is causing the impact. Where an impact on view arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skillfull design could provide the applicant with the same development potential and amenity and reduce the impact on the view of the neighbours. If the answer to that question is NO, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.
63. The original proposal was considered unreasonable in terms of the view sharing principles as the new upper floor level was to extend across the entire width of the existing dwelling and occupy a substantial footprint, notwithstanding that its purpose was simply to provide for a master bedroom and associated amenities. The master bedroom and other rooms have since been rationalised such that the new upper floor level is halved in size and serves its purpose efficiently. The new upper floor level is compact in form being relatively small in footprint and incorporating a low profile roof and modest floor to ceiling heights. The overall height and partial three (3) level scale of the dwelling is not unreasonable having regard to the surrounding context including several substantial three (3) level homes. The proposal also complies with the proposed 9m height standard under the New City Plan. There are no reasonable alternatives to the proposal that would still afford the applicant with the same amenity. A ground/first floor extension towards the waterfront title boundary of the site is problematic in that it would occupy the only substantive deep soil landscaping on the site which is already at the minimum required. Further, the layout of the house is such that any extension is likely to compromise solar access, ventilation and outlook to other parts of the house, unless significant internal reconfiguration works were undertaken. Having regard to the circumstances, the proposal is deemed reasonable.

## Conclusion

64. Whilst it is accepted that the views enjoyed from the rear indoor and outdoor living areas on both levels of the existing dwelling located immediately upslope and to the east of the site will be obstructed to varying degrees, it is not accepted that the associated impact will be devastating as suggested by the objector. At worst, the impact on views will be moderate to severe, depending on the position of the vantage point. Views of the adjacent waterways and foreshores opposite across the bay and the main channel of Georges River to the southwest and the heavily vegetated slopes of Carss Bush Park to the northwest will still be maintained over the top and either side of the new upper floor level to a reasonable extent. In view of these circumstances and the foregoing commentary, it is concluded that the proposal results in reasonable view sharing having regard to the planning principle established by the Land & Environment Court.

### Foreshore Locality Provisions

65. The subject site is located within the 'Kogarah Bay (Wellington Street to Torwood Street)' foreshore locality. The land-based development controls for this locality are outlined and addressed as follows:

*Facades and rooflines of dwellings facing the water are to be broken up into smaller elements with a balance of solid walls to glazed areas. Rectangular or boxy shaped dwellings with large expanses of glazing and reflective materials are not acceptable. In this regard, the maximum amount of glazed area to solid area for façades facing the foreshore is to be 50%-50%.*

Comment: The proposal incorporates a reasonable balance of solid walls to glazed areas. Although the proportion of glazed area to solid area on the façade to the waterfront is approximately 55% and exceeds the above control, the glazed elements are setback behind balconies/decks on all levels and broken into smaller discrete glazed panels separated by walls and columns. Given these circumstances, the glazing elements do not result in any adverse visual impacts. Although the dwelling is somewhat rectangular/box-like in shape, it is not endowed with large expanses of glazing.

*Colours that harmonise with and recede into the background landscape are to be used. In this regard, dark and earthy tones are recommended and white and light coloured roofs and walls are not permitted. To ensure that colours are appropriate, a schedule of proposed colours is to be submitted with the Development Application and will be enforced as a condition of consent.*

Comment: Precise details on proposed colours to be applied to the external walls and roofs of the dwelling and carport/entry portico have not been submitted. However, it is noted that the existing brickwork of the dwelling is to be cement rendered and painted and the steel roof is to be of medium solar absorptance and hence of a medium tone. Whilst surrounding dwellings are characterised by a variety of colours, for the most part the colours used are subdued and of medium to dark tone. The external finishes of the subject dwelling should also adopt a subdued colour scheme. This may be readily addressed by a suitable condition of consent.

*Buildings fronting the waterway, must have a compatible presence when viewed from the waterway and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality.*

Comment: The proposal complies with this control sufficiently. Viewed from the adjacent waterway, the aesthetics and built form of the proposal are reasonably compatible with surrounding development, recognising that there is no particular recurring design theme for dwelling houses in the locality of the site.

*Blank walls facing the waterfront shall not be permitted. In this regard, walls are to be articulated and should incorporate design features, such as:*

- (i) awnings or other features over windows;*
- (ii) recessing or projecting architectural elements; or*
- (iii) open, deep verandas.*

Comment: The proposal complies with this control sufficiently. The waterfront elevation of the dwelling house is articulated by way of roofed balconies and a reasonable proportion of fenestration.

## **Section 94 Contributions**

66. The proposed development requires payment of \$3,708.10 of Section 94A levies based on the provisions of Kogarah City Council - Section 94A Development Contributions Plan 2014. The contribution amount is based on 1% of the overall cost of the development.

### ***(a)(iv) Any matters prescribed by the regulations***

67. The requirements of Australian Standard 'AS 2601-1991: The Demolition of Structures' are of relevance to the application as the proposal includes demolition of existing buildings on the site. The requirements of this standard including the management of asbestos containing materials may be readily addressed by the imposition of suitable conditions of consent.

### ***(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality***

68. The proposed development is of a scale and character that is in keeping with other dwellings being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment of the locality.

### ***(c) The suitability of the site for the development***

69. 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, vegetation and relationship to adjoining developments.

**(d) Any submissions made in accordance with this Act or the regulations**

70. In accordance with the public notification provisions of KDCP 2013, the application was placed on neighbour notification for a period of fourteen (14) days. Adjoining and nearby property owners were notified in writing of the proposal and invited to comment. As a result, submissions of objection were received from five (5) adjoining/nearby properties.
71. The amended plans that were submitted during the course of assessment of the application were formally notified to adjoining property owners and those residents/property owners that had lodged submissions in response to the first round of public notification. As a result, a submission of objection was received from the owners of the adjoining property (known as 55 Vista Street) located directly to the east of the site. Another submission of objection was received from a town planning consultancy acting on behalf of the owners of the above property.
72. The issues raised in the public submissions received in response to the amended plans are outlined and addressed as follows:

**1. Zone Objectives**

Concerns are raised over the proposal's failure to satisfy the relevant zone objectives, particularly in terms of its impacts on views from surrounding properties and the visual qualities of the locality and its inconsistent built form when compared to other dwellings located immediately adjacent to the waterfront to the north and south of the site.

**Comment:**

The proposal is considered to reasonably satisfy the zone objectives in that it is low impact residential development being relatively minor alterations and additions to a single dwelling and it has no adverse effects on the ecological, scientific and aesthetic values of the surrounding area being located well away from the waterfront, similar in bulk and scale to adjacent development and set against a backdrop of dense built forms with minimal vegetation.

**2. Building Scale & Height Objectives**

Concerns are raised over the proposal's failure to satisfy the relevant building scale and height objectives, particularly in terms its overshadowing, visual bulk and view loss impacts on surrounding properties and the adjacent waterways and inconsistent built form and scale compared to other dwellings located immediately adjacent to the waterfront to the north and south of the site.

**Comment:**

The proposal is considered to reasonably satisfy the building scale and height objectives, as discussed in detail earlier in this report.

**3. Building Height**

Concerns are raised over the height and number of levels of the dwelling house including more specifically that:

- The dwelling does not comply with the building height controls including the two (2) residential levels limit and 7.8m height to roof parapet limit;
- The dwelling is substantially three (3) levels in height;
- The dwelling sits on level ground and interpreting the controls it should be a maximum of two (2) residential levels; and
- The roof parapet exceeds 9m in height above ground level

Comment:

It is acknowledged that the proposal does not comply with the building height controls relating to its measurement from the existing site levels to the top of the roof parapet and underside of the upper ceiling. However, as discussed in detail earlier in this report, the height of the proposal is acceptable on merit. By way of clarification, the roof parapet of the dwelling house is up to 8.85m in height above the existing site levels based on the detail survey submitted with the application.

The relevant building height controls in KDCP 2013 stipulates that *the maximum number of residential levels is two (2), except where the site has a slope exceeding 1:8 (12.5%), where the maximum number of residential levels is three (3)*. There is no further explanation as to how this control is interpreted, particularly in terms of determining what constitutes the 'site' for the purposes of application of the control.

If the 'site' was interpreted as the entire property, the slope of the site would be in excess of 12.5% and three (3) levels would be allowed. The slope of the site would also be in excess of 12.5% and three (3) levels would also be allowed, if the 'site' was interpreted as the footprint of the dwelling house including the carport/entry portico. The narrow interpretation adopted by the objector is unreasonable. In any event, the number of floor levels is acceptable on merit having regard to the prevailing 2-3 storey character of the foreshores in the immediate locality and the scale of the dwelling house being generally consistent with other dwellings in the locality.

#### 4. Façade Articulation

Concerns are raised over the eastern facade of the new upper floor level and its lack of articulation and aesthetic appeal and unreasonable enclosure of the adjacent rear yard and swimming pool area.

Comment:

The eastern façade of the new upper floor level is less than 10m in length. Based on the provisions of KDCP 2013, this wall does not require articulation by recessing or the like. Notwithstanding, a portion of the wall is provided with an increased setback. The level of articulation to this façade is satisfactory. The wall concerned is relatively short in length and well setback from the eastern boundary being some 5.5m distance away and therefore will not result in any perceived enclosure of the adjacent rear yard and swimming pool area.

#### 5. Privacy

Concerns are raised over the expansive 'sun decks' proposed adjacent to the new upper floor level and associated overlooking impacts upon adjoining properties from their future use.

Comment: These concerns are concurred with, as discussed in detail earlier in this report. The sun decks should be deleted and replaced by non-trafficable roof space. This may be readily addressed by a suitable design change condition.



## 6. Streetscape Character

Concerns are raised over the bulk and scale of the proposal being inconsistent with the prevailing built forms of the immediate foreshores to the north and south, whereby dwellings adjacent to the waterfront are generally 1-2 storeys and overlooked by dwellings upslope adjoining the street. Put another way, the concern is that the visual qualities of the adjacent waterways and foreshores will be adversely affected in that the dwelling will conflict with the 'stepped' and 'layered' character of existing built forms generated by the subdivision pattern and topography in the locality and will therefore be visually prominent.

### Comment:

It is acknowledged that the dwelling houses located on the battle-axe lots along the waterfront to the north and south of the site are generally no more than two (2) storeys in scale such that the dwelling houses upslope on the street frontage lots enjoy views of the waterways over the rooftops of the dwellings below. However, viewed from the waterways, this streetscape characteristic is largely lost against the existing backdrop of dense built form and minimal vegetation. The proposal will blend into the existing background of substantial 2-3 storey dwelling houses located upslope from the waterfront. There are several large three (3) storey dwelling houses on properties in the immediate locality to the north and south of the site, including the adjoining property immediately to the south.

It is also important to consider that the dwelling house is only partly three (3) storeys in scale and sited downslope on more level land adjacent to the waterfront. At its southern and northern perimeters, the dwelling reduces in scale to two (2) storeys thus providing an appropriate transition with the dwellings on adjoining properties. The subject dwelling will be no more prominent when viewed from the wider locality than many of the existing three (3) storey dwellings nearby, including the recently completed, substantial four (4) level dwelling house on the adjoining property immediately to the south.

## 7. Bulk & Scale

Concerns are raised over the excessive bulk of the dwelling as a result of its box-like, three (3) storey built form adjoining lower buildings and waterfront private open space of adjoining properties and its lack of building articulation.

### Comment:

The bulk and scale of the proposal is reasonable, as already discussed in detail elsewhere in this report. The built form of the dwelling house is sufficiently articulated having regard to its 'stepped' built form incorporating a reduced building footprint on the new upper floor level and inclusion of covered balconies on all levels on the waterfront elevation. The dwelling house is only three (3) storeys in part and reduces in scale to two (2) storeys at its southern and northern perimeters where it interfaces with adjoining properties.

## 8. Views

Significant concerns are raised over the impact of the new upper floor level upon the views currently enjoyed from the existing dwelling house located upslope on the adjoining property immediately to the east. More specifically, the following concerns are raised:

- Water views enjoyed from the rear indoor and outdoor living areas on both levels of the existing dwelling will be obstructed and the resultant impact will be devastating;
- The proposal does not achieve reasonable view sharing;
- The view impacts will be further exacerbated by furniture, umbrellas and other fixtures being placed on the proposed expansive sun decks; and
- The proposal does not satisfy the Land & Environment Court planning principle on view sharing

Comment:

Whilst it is accepted that water views enjoyed from the rear indoor and outdoor living areas on both levels of the existing dwelling located immediately upslope and to the east of the site will be obstructed to varying degrees, it is not accepted that the associated impact will be devastating. Views of the adjacent waterways, including the foreshores opposite and the main channel of Georges River to the southwest and Carss Bush Park to the northwest, will still be maintained over the top and either side of the new upper floor level to a reasonable extent. Having regard to the relevant planning principle, the overall impact on views from this adjoining property is assessed as moderate and reasonable view sharing is achieved. The expansive 'sun decks' are recommended for deletion and replacement by non-trafficable roof area, thus resolving the particular concern raised above. These issues are discussed in detail elsewhere in this report.

9. Drawing Details & Documentation

Concerns are raised over the quality of the information detailed on the drawings and other documentation submitted with the application. The more specific concerns are outlined and addressed as follows.

- No precise details are provided regarding the finished level of the proposed carport roof.

Comment:

The drawings indicate that the new roof will be constructed at a similar level to the existing roof. Whilst no specific reduced level (RL) for the top of this roof is detailed on the elevation drawings, it appears to match the RL of the floor surface of the new upper floor level, being RL8.1. This is not dissimilar to the RLs of the existing roof as indicated on the detail survey. The maximum height of the new carport roof based on the above RL may be reinforced by a suitable condition of consent.

- The height limit lines plotted on the elevations are inaccurate as they are not based on the actual ground levels of the site.

Comment:

The height limit lines plotted on the elevation drawings appear to be based on natural ground levels and not existing site levels, as required by the relevant provisions of KDCP 2013 for the purposes of determining building heights. Council's assessment based on the existing site levels indicated on the detail survey indicates that the proposal does not comply with the building height controls, with the exception of the 9m height limit to the apex of the skillion roof. Notwithstanding the variations to the building height controls, the scale of the proposal is acceptable on merit.

- The profile of the proposed development on No. 55 Vista Street as depicted on the north and south elevation drawings does not accurately reflect the approved plans for that development.

Comment:

The profile of the proposed development on the adjoining property is based on outdated drawings that have subsequently been amended. No weight is given to this information given that it is merely indicative and also outdated. In any event, the application must be assessed based upon the existing context and circumstances and not a possible future context or circumstance. The adjoining dwelling house is currently two (2) storeys and the application is to be assessed on this basis.

- No precise details are provided on the elevation drawings regarding the overall height of the roof parapet above ground level.

Comment:

The elevation drawings include details of floor to ceiling height measurements and reduced levels for each floor and the uppermost ceiling which together provide sufficient information to establish the overall height of the building to the roof parapet. Based on the existing site levels as indicated on the detail survey and council's assessment, the roof parapet above the new upper floor level is up to 8.85m in height above the existing site levels directly below. The maximum height of the new upper floor level roof may be reinforced by a suitable condition of consent.

- The drawings are not to scale and there is a lack of information relating to setbacks and building height, thereby making it difficult to determine the impacts of the development accurately.

Comment:

The drawings are to scale, but have been reduced. There is sufficient information on the drawings relating to the setbacks and height of the building to enable assessment of the impacts of the development with a reasonable degree of accuracy.

- A plan indicating the areas included in the measurement of gross floor area is required, as it appears that storage areas have not been included.

Comment:

The applicant has provided calculations of the gross floor area for each level of the dwelling house, together with floor plans highlighting the areas that have been included for the purpose of these calculations. Based on council's assessment, the gross floor area of the dwelling house is 10.1m<sup>2</sup> greater than that indicated by the applicant. The discrepancy between the figures relates to the 'store room' located on the lowest floor level. This room does not qualify as basement storage for the purposes of the exclusions within the definition of gross floor area as its ceiling is more than 1m above the existing site level and therefore it must be included. Notwithstanding the variation to the floor space ratio control, the bulk and scale of the proposal is acceptable on merit.

- The drawings have the same date and number as the original drawings submitted with the development application leading to confusion.

Comment:

The amended drawings include notations detailing the changes to the plans and the date of the amendments.

- The 'height poles' erected for the purposes of assisting in the assessment of view impacts do not appear to reflect the true height and depth of the new upper floor level. Certification from a registered surveyor to the effect that the height poles have been erected to the correct height should be provided.

**Comment:**

The 'height poles' were surveyed by a registered surveyor in terms of their height relative to Australian Height Datum and location relative to the boundaries of the site. Comparing this information to the architectural drawings, the height poles appear to generally represent the location and extent of the apex of the skillion roof above the new upper floor level, albeit they are slightly higher (i.e. approximately 0.2m) than the reduced level indicated for the roof on the drawings. Although the height poles are not a complete representation of the height and depth of the new upper floor level and its roof, they do assist in the assessment and provide a general indication of the extent of view impact.

**(e) *The public interest***

73. The proposed development is of a scale and character that does not conflict with the public interest.

**Conclusion**

74. The application has been assessed having regard to the heads of consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and the provisions of KLEP 2012 and KDCP 2013. Following detailed assessment and balancing the relevant heads of consideration, it is considered that Development Application No. 3/2016 should be approved subject to conditions including the design changes as recommended in this report.

## **SPECIFIC DEVELOPMENT CONDITIONS**

### **SECTION A - General Conditions**

The conditions that follow in this Section A of the Notice of Determination are general conditions which are imposed to ensure that the development is carried out in accordance with the development consent.

#### **(1) Approved Plans of Consent**

The development must be implemented in accordance with the approved plans, specifications and details listed below and any supporting information submitted with the Development Application except as amended by any conditions attached to the Development Consent:

- (i) Architectural plans – Drawing Nos. 5431/5 dated 3 January 2015 as amended on 17 June 2016, 5431/6 dated 5 January 2016 as amended on 18 June 2016, 5431/7 dated 7 January 2016 as amended on 19 June 2016 & 5431/8 dated 10 January 2016, as prepared by Project Planning & Design.

### **SECTION B –Prior to the Issue of a Construction Certificate or Demolition Conditions**

The conditions that follow in this Section B of the Notice of Determination relate to the payment of fees, amendments being made to the proposal, further investigation being undertaken or the preparation of documentation that must be complied with prior to the issue of a Construction Certificate or Demolition.

**Note:** A copy of the Construction Certificate shall be forwarded to Council prior to commencement of construction where Council is not the certifier who issued the Construction Certificate.

#### **(2) Asset & Building Fees**

Payment of the following amounts as detailed below:

- |                                  |            |
|----------------------------------|------------|
| • Damage Deposit of              | \$1,900.00 |
| • *Builders Long Service Levy of | \$1,297.00 |
| • Asset Inspection Fee of        | \$ 110.00  |
| • Section 94A Contributions of   | \$3,708.10 |

\*Note: The Builders Long Service Levy quoted is based on the market value of the proposed building works and the Levy Rate applicable at the time of assessing the Development Application and may be subject to change prior to payment.

#### **(3) Section 94A Contributions**

As at the date of Development Consent a contribution of \$3,708.10 has been levied on the subject development pursuant to Section 94A Contributions Plan. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan.

The Section 94A Contributions Plan may be inspected at Council's Customer Service Centres or online at [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).

#### **(4) Soil and Water Management**

A Soil and Water Management Control Plan, incorporating contour levels and prepared in accordance with Environmental Site Management Policy shall be submitted to Council detailing all measures to control soil erosion and sedimentation runoff from the site during excavation and construction activities.

#### **(5) Sydney Water (DA Only)**

The approved plans must be processed through Sydney Water to determine whether the development will affect any Sydney Water asset's (sewer and water mains, stormwater drains and/or easements) and if any further requirements need to be met. An approval receipt will be issued by Sydney Water which is to be submitted to Council or the Principal Certifying Authority.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for;

- Sydney Water Tap in – see Plumbing, building and developing and then Sydney Water Tap in; and
- Building over/adjacent to a Sydney Water Asset - see Plumbing, building and developing, building then Building Approvals or telephone 13 20 92.

#### **(6) Design Changes Required**

- (i) The areas denoted as 'sun decks' and associated enclosing balustrades, located on the northern and southern sides of the uppermost floor level, are to be wholly deleted and replaced with non-trafficable steel roofing. As a result, the outdoor area at this floor level is to be confined to that area denoted as 'balcony' located on the western side of the bedroom and limited in extent such that it is no greater in length than the adjacent western wall of the bedroom.
- (ii) The 450mm high fascia board parapets surrounding the roof over the uppermost floor level, as detailed on the elevation drawings, are to be wholly deleted.

The above design changes are to be incorporated in the plans accompanying any construction certificate for the development.

#### **(7) Building Height**

- (i) The new roof over the entry portico and garage is to be limited in height such that it does not exceed a reduced level of RL8.1 based on Australian Height Datum.
- (ii) The apex of the skillion roof over the new upper floor level is to be limited in height such that it does not exceed a reduced level of RL10.95 based on Australian Height Datum.

The above details are to be incorporated in the plans accompanying any construction certificate for the development.

**(8) External Finishes**

The external walls and roofs of the dwelling and carport/entry portico are to be finished in subdued colours of either medium or dark tones so as to harmonise with and recede into the background landscape. These details are to accompany any construction certificate for the development.

**SECTION C – Prior to Commencement of Construction Conditions**

The conditions that follow in this Section C of the Notice of Determination are specific to the proposed development and must be complied with prior to the commencement of construction on the site.

**(9) Structural Engineer**

A report shall be obtained from a practising Structural Engineer, prior to commencement of work, verifying the structural adequacy of the existing building to support the first floor addition.

**(10) Structural Engineer's Details**

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

**(11) Protection of Site – Hoarding**

A hoarding or fence must be erected between the work site and the public place if:

- the work involved in the erection or demolition of a building is likely to cause obstruction or inconvenience to pedestrian or vehicular traffic in a public place; or
- if it involves the enclosure of a public place.

If necessary an awning is to be erected which is sufficient to prevent any substance from or in connection with the work from falling into a public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

If the work site is likely to be hazardous to persons in a public place, it must be kept lit between sunset and sunrise.

**(12) Council Infrastructure Inspection**

Prior to the commencement of any works an authorised representative of the applicant is to organise and attend a meeting on site with Council's Infrastructure Compliance Co-ordinator to discuss protection of Council's infrastructure. To organise this meeting contact Council's Customer Service Centre on 9330 6400.

### (13) Public Liability Insurance

All nominated contractors / applicants carrying out driveway and/or restoration works on Council property must carry public liability insurance with a minimum cover of twenty million dollars (\$20,000,000.00). In this regard, prior to commencement of works, the principal contractor is to lodge an “Application for the Construction of Work by Private Contractor” to Council, which includes submitting evidence of their current insurance. The principal contractor must ensure that sub-contractors are also adequately insured.

### (14) Soil Erosion Controls

Prior to commencement of any site works, erosion and sediment controls are to be installed in accordance with Environmental Site Management Policy and any approved Soil & Water Management Plan and shall incorporate:

- Measures to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways;
- Controls to prevent tracking of sand, soil, aggregates, etc, by vehicles onto adjoining roadways.

## **SECTION D – Construction and Operational Conditions**

The conditions that follow in this Section D of the Notice of Determination are imposed to ensure the development is constructed and operates having regard to relevant legislation and does not unreasonably impact on the amenity of the locality or environment during the construction phase or the operation of the use.

### (15) Inspections - Alterations/Additions

The following lists of inspections are the **MANDATORY CRITICAL STAGE INSPECTIONS** that **MUST** be carried out by the Principal Certifying Authority (PCA).

- (a) at the commencement of building works
- (b) after excavation for, and prior to the placement of, any footings, and
- (c) prior to pouring any in-situ reinforced concrete building element, and
- (d) prior to the covering of the framework for any floor, wall, roof or other building element, and
- (e) prior to covering waterproofing in any wet areas, and
- (f) prior to covering any stormwater drainage connections, and
- (g) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- (h) in the case of a swimming pool, as soon as practicable after the barrier (if one is required under the Swimming Pools Act 1992 has been erected.

Certificates from your engineer or subcontractor are **NOT** acceptable in the first instance for the above inspections. Failure to have your PCA carry out these inspections could result in a delay or refusal to issue an Occupation Certificate.



**(16) Storage of materials on Public Road**

All building materials or waste containers must be stored within the confines of the site. The storage of such building materials, waste containers or equipment associated with the project upon the public roadway, including the pedestrian footway or unpaved verge, is prohibited.

**(17) Use of Crane on Public Road**

Prior approval must be obtained from Council a minimum of 24 hours before the use on any site of a crane, hoist or similar machinery that will be used to transfer materials across Council's footpath. This includes cranes that are situated on roadways, footpaths and road reserves.

Any application for approval must be accompanied by the following information:-

- Site sketch indicating the proposed location of the crane, pedestrian controls and traffic controls;
- A copy of current public liability insurance with minimum cover of twenty million dollars (\$20,000,000) indemnifying Council in the event of an incident;
- A copy of an RMS accredited traffic control plan;
- Proof that the local area command of the NSW Police have been advised of the proposal.

The use of a crane, hoist or similar machinery on any site without prior approval is prohibited.

**(18) Excavation of Site**

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site. In this regard, all excavated waste materials shall be disposed of at an approved Waste Depot (details are available from Council).

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

**(19) Work within Road Reserve**

A Development Consent or any related Construction Certificate does not allow for the erection of a structure or to carry out work in, on or over a public road. Should a structure or work be required a separate approval under S138 of the Road Act 1993 must be granted by Council prior to the commencement of any works within the road reserve. Applications may be made at Council's Customer Service Centre.

**(20) Damage within Road Reserve & Council Assets**

The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.

**(21) Public Utility & Telecommunication Assets**

The owner shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines & cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.

**(22) Roof Water**

All roof water is to be connected to an approved drainage disposal system.

**(23) Hours of Construction**

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

**(24) Provision of Amenities**

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site or as specified by Workcover requirements .

- each toilet provided must be a standard flushing toilet and must be connected:
- to a public sewer; or
- if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council; or
- if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities must be completed before any other work is commenced.

**(25) Basix Certificate Details – DA Only**

Construction of building works given Development Consent must be carried out in accordance with a valid and current BASIX certificate and all required commitments must be satisfied.

**(26) Air Conditioning / Offensive Noise**

Air conditioning plant and equipment shall be installed and operated so as to not create an offensive noise as defined under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008.

**(27) Fencing for Existing Pool**

Where an existing swimming pool is to be retained and other structures on the property that form part of the child resistant safety barrier are to be demolished, child-resistant safety barriers shall be erected to maintain a level of safety at all times consistent with the requirements of the *Swimming Pools Act* and Regulations, applicable at the time.

Details of all child-resistant barriers to be utilised to comply with the requirements of the *Swimming Pools Act* and Regulations shall be shown on the Construction Certificate plans.

**SECTION E – Prior to Occupation or Subdivision Certificate Conditions**

The conditions that follow in this Section E of the Notice of Determination relate to conditions that ensure that the development is completed in accordance with the requirements of the Development Consent prior to the issue of either an Occupation Certificate or a Subdivision Certificate.

**(28) BASIX Completion Receipt**

In accordance with clause 154C of the Environmental Planning and Assessment Regulation 2000, prior to issuing a final occupation certificate the certifying authority must apply to the Director-General for a BASIX completion receipt.

**SECTION F – Prescribed Conditions**

The following are prescribed conditions of development consent pursuant to s.80A(11) of the Environmental Planning and Assessment Act 1979 and cl.98 of the Environmental Planning and Assessment Regulation 2000.

**(29) Compliance with the Building Code of Australia**

The development must be carried out in accordance with the provisions of the Building Code of Australia.

**(30) Insurance Requirements under Home Building Act 1989**

The builder or person who does the residential building work must comply with the applicable requirements of Part 6 of the Home Building Act, 1989. This means that a contract of insurance must be in force in accordance with Part 6 of that Act before any building work authorised to be carried out by the consent commences.

It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6 of the Home Building Act, 1989.

If Council is the Principal Certifying Authority it will not carry out any inspections until a copy of the insurance certificate is received.

**(31) Erection of Signs**

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

**(32) Notification of Home Building Act 1989 Requirements**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
  - (i) the name and licence number of the principal contractor, and
  - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder, and
  - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

**(33) Shoring and Adequacy of Adjoining Property**

If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

The above condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

**(34) Council Notification of Construction**

The erection of a building which is the subject of a Development Consent must not be commenced until:

- a) Detailed plans and specifications of the building have been endorsed with a construction certificate by Council or an accredited certifier.
- b) the person having the benefit of the development consent has:
  - appointed a Principal Certifying Authority (PCA), and
  - notified Council (if Council is not the PCA) *in writing* of the appointment, and
  - given at least 2 days notice to Council of their intention to commence the erection of the building. The notice may be in writing or by phone.

**SECTION G – Demolition Conditions**

The following conditions are imposed to ensure the demolition associated with the proposed development is carried out having regard to relevant legislation and does not unreasonably impact on the amenity of the locality or environment.

**(35) Demolition for Alterations & Additions – Asbestos**

- (a) Demolition of buildings where asbestos is determined to be present should only occur 7am – 5pm Monday to Saturdays, and must not occur on Sundays or Public Holidays, to ensure that the persons carrying out the work have access to WorkCover professionals if required.
- (b) All asbestos removal shall be undertaken in accordance with the requirements of WorkCover's 'How to Safely Remove Asbestos' code of Practice and Council's Asbestos Policy.
- (c) Written notice must be provided to Georges River Council five (5) working days (excluding public holidays) prior to commencement of any works.

Written notice is to include the following details:

- Date the demolition will commence
- Name, address, contact details (including after hours) and licence number of the demolisher and asbestos removalist (if different)

Work must not commence prior to the nominated demolition date.

**Note:** it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.

- (d) The owner is to notify all owners and occupiers of premises on either side, opposite and at the rear of the development site five (5) working days prior to demolition. Such notification is to be clearly written on A4 size paper stating the date the demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date and time stated in the notification.

- (e) All asbestos cement sheeting must be removed prior to the commencement of:
  - a) Brick veneering or re-cladding of any building where the existing walls to be covered are clad with asbestos cement; OR
  - b) Construction work where new work abuts existing asbestos cement sheeting and/or where existing asbestos cement sheeting is to be altered or demolished.
- (f) A demolition or asbestos removal contractor licensed under the *Work Health and Safety Regulation 2011* must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.

- (g) Development sites that involve the removal of asbestos must display 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 on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.
- (h) All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.
- (i) A Clearance Certificate or Statement, prepared by a suitably qualified occupational hygienist must be provided to Council upon completion of demolition and asbestos related works, which confirms that the relevant legislative requirements in relation to safe removal and disposal have been satisfied
- (j) A Work Cover Licensed Demolisher is to be engaged to carry out any demolition works using mechanical equipment where the structure is over 4 metres in height or to carry out any manual demolition works on a structure over 10 metres in height.
- (k) The provision of temporary fences and footpath crossing pads prior to commencement of demolition operations. Further, no waste materials or bins are to be placed on Council's roadways or footpaths.
- (l) No waste materials are to be burnt on site.
- (m) No trees as defined by Council's Tree Preservation Order being removed or damaged on the site without the prior written approval of Council.
- (n) Compliance with the provisions of Australian Standard AS 2601-1991:"The Demolition of Structures", which requires notification of demolition to be submitted at least seven (7) days prior to demolition to the NSW Workcover Authority.

- (o) Effective erosion and sediment control measures are to be undertaken during the course of demolition and building works in accordance with Council's 'Environmental Site Management Policy'. Failure to implement appropriate measures may result in a \$750 Penalty Infringement Notice (individual) and/or \$1,500 (corporation) being issued and/or the incurring of a maximum penalty of \$250,000 (corporation) or \$120,000 (individual) through the Land and Environment Court.
- (p) Appropriate measures are to be implemented on site to control dust and other air borne matter and demolition material is to be stored and stacked in a manner so as to minimise the risk of damage or nuisance to neighbouring properties.
- (q) Council being notified upon completion of the demolition works so that an inspection can be made of the roadway and footpath.
- (r) All non-recyclable demolition material being disposed of at an approved waste disposal depot. Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept as evidence of approved method of disposal.
- (s) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed

## **END CONDITIONS**

### **Advisory Notes**

#### **(i) Worksite Safety**

It is usually the owner/applicant's responsibility to ensure that the development site is a safe working environment. This may be by the engagement of an appropriately competent principal contractor. There are various legislative and WorkCover requirements with respect to maintaining a safe work-site. Details of these requirements and legislation, as well as, guidance and advisory material, can be found on the WorkCover Website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

**(ii) Worksite Safety Scaffolding**

Council is committed to worksite safety and requiring that all scaffolding is installed by competent and qualified professionals with the relative appropriate standards. The applicable Australian Standards for the scaffolding is AS/NZS1576 in respect of the design of the scaffolding and AS/NZS4576 with respect to the erection of the scaffolding. Also, you should ensure that those erecting scaffolding are appropriately qualified and have the appropriate qualifications to erect scaffolding. For further information regarding this please see [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

**(iii) Kid Safe NSW**

Kidsafe NSW has produced Safer Homes for Children Design and Construction Guidelines for builders, renovators and home owners. The guidelines identify common hazards for children and recommended practical design applications to improve child safety for all areas of the home. Free copies of the Guidelines are available from Council's Customer Service Centre, or contact Kidsafe on (02) 9845 0890 or their website <http://www.kidsafensw.org/homesafety/index.htm> for more information.

**(iv) Dial Before You Dig**

Underground pipes and cables may exist in the area. In your own interest and for safety, telephone 1100 before excavation or erection of structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au).

**(v) Demolition Waste**

Sorting your construction and demolition waste will save you money. For pricing and disposal options for sorted loads of tiles, bricks, timber concrete or asphalt call Waste Service NSW on 1300 651 116.

**(vi) Property Address**

Property addresses shall be allocated by Council in accordance with the Addressing Standard AS/NZS 4819:2011.

**(vii) Building Code of Australia Matters**

The carport or garage wall on the southern side boundary that is setback less than 900mm must have an FRL of 60/60/60 and extend to the underside of a non-combustible roof covering as per part 3.7.1.5 of the BCA.

All internal bathrooms that do not have windows or skylights complying with 3.8.4.2 must have artificial lighting (3.8.4.3) and mechanical ventilation (3.8.5.2 c).

**ATTACHMENTS**

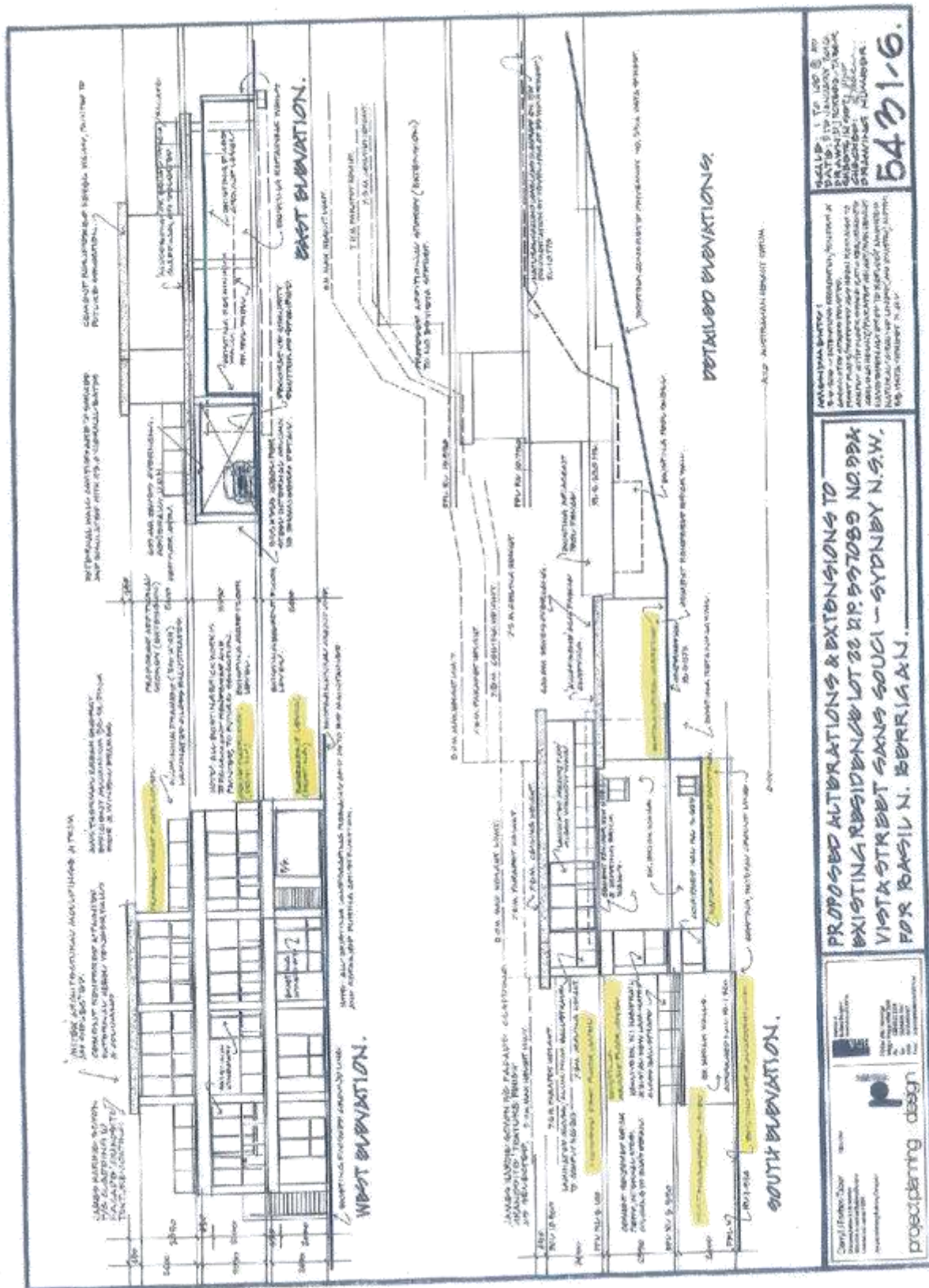
Attachment [View1](#) A4 Plans













## REPORT TO GEORGES RIVER COUNCIL

### IHAP MEETING OF THURSDAY, 23 MARCH 2017

<b>IHAP Report No</b>	<b>3.3</b>	<b>Application No</b>	<b>PP2014/0003</b>
<b>Site Address &amp; Ward Locality</b>	29-31 MacMahon Street Hurstville Hurstville Ward		
<b>Proposal</b>	Planning Proposal PP2014/0003 - Post Exhibition Report		
<b>Report Author/s</b>	Senior Strategic Planner, Harkirat Singh and Coordinator Strategic Planning, Rita Vella		
<b>Owners</b>	The Churches of Christ		
<b>Applicant</b>	KPoint Investments Pty Ltd		
<b>Zoning</b>	B4 Mixed Use, Hurstville LEP 2012		
<b>Date Of Lodgement</b>	7/11/2014		
<b>Submissions</b>	Twenty one (21)		
<b>Cost of Works</b>	N/A		
<b>Reason for Referral to IHAP</b>	In accordance with the IHAP Charter		

<b>Recommendation</b>	<p>(a) That the Georges River IHAP note the outcomes of public exhibition of the Planning Proposal PP2014/0003 for 29-31 MacMahon Street, Hurstville.</p> <p>(b) That in respect of the Planning Proposal for Nos. 29-31 MacMahon Street Hurstville to amend Hurstville LEP 2012 the following two options be forwarded to the Department of Planning &amp; Environment:</p> <p><b>Option 1:</b> Resubmit the Planning Proposal to the Department of Planning &amp; Environment requesting an amended Gateway Determination to require the proponent to address the impacts on traffic and access within the Hurstville City Centre raised by TfNSW/RMS through a voluntary planning agreement.</p> <p><b>Option 2:</b> Resubmit the Planning Proposal to the Department of Planning &amp; Environment requesting that the Department insert into the Hurstville LEP 2012 a site specific clause that requires the consent authority to be satisfied that the development will provide for road and traffic upgrades in the local road network and contribute to measures that encourage the use of public transport.</p> <p>(c) That in respect to the NSW Heritage Office's comment on the possible impacts of the proposed development on the heritage significance of the 'Fire Station', 'Friendly Societies Dispensary Building' and other items of local heritage significance in the vicinity of the subject site, that the</p>
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Department be advised that this matter will be dealt with at DA stage.

- (d) That a Report to Council be prepared to advise of the IHAP recommendations
- (e) That those persons who made a written submission on the Planning Proposal for Nos 29-31 MacMahon Street, Hurstville be notified of the IHAP's decision.

### Site Plan



### Executive Summary

1. This report considers the outcomes of a community consultation undertaken for the Planning Proposal for 29-31 MacMahon Street, Hurstville.
2. The Planning Proposal proposes the following:
  - Amend the Height of Building Map to increase the maximum building height from 40m to 50m;
  - Amend the Floor Space Ratio Map to increase the maximum floor space ratio from 4.5:1 to 5.5:1; and

- Require a minimum “non-residential” floor space ratio of 0.5:1 through an amendment to clause 4.4A (Exceptions to floor space ratios for buildings on land in certain zones).
3. The community consultation has been undertaken in accordance with the Gateway Determination issued by the Department of Planning and Environment on 28 September 2016 (with a finalisation date no later than 5 July 2017).
  4. The Planning Proposal was placed on community consultation from 23 November to 21 December 2016. During the exhibition period, eleven (11) community submissions (all in support) and ten (10) public authority submissions were received.
  5. The key issues raised in the public authority submissions have been considered in the review of the Planning Proposal.
  6. The Planning Proposal has not addressed a number of issues raised by Transport for NSW, RMS and the Heritage Office. These include:
    - Ensuring that travel demand management measures (such as appropriate parking restraints) are investigated and incorporated into a site specific DCP or future DA to encourage the use of public and active transport;
    - Satisfaction by Council that an appropriate funding mechanisms is in place to ensure implementation of demand management strategy measures can be provided;
    - Consideration of an appropriate funding mechanism to allow for regional transport infrastructure improvements; required as a result of the cumulative impacts of future development in the Hurstville City Centre.
    - The Heritage Office has required that consideration be given to any adverse impact that a proposed development would have on the heritage significance of the ‘Fire Station’, ‘Friendly Societies Dispensary Building’ and other items of local heritage significance in the vicinity of the subject site.
  7. As the Planning Proposal was not supported by the former Hurstville City Council (resolution dated 1 April 2015) a Pre-Gateway review was lodged by the applicant and an assessment of the Planning Proposal was undertaken by the Sydney East Joint Regional Planning Panel.
  8. The Planning Proposal received a Gateway Determination from the Department of Planning and Environment on 28 September 2016.
  9. Discussions have also been held with the Applicant in relation to the negotiation of a Planning Agreement, in accordance with the *Georges River Policy on Planning Agreements 2016*. Specifically, the Planning Proposal results in an up-lift of development potential for the site and as a consequence any future development on the site there will be impacts on traffic and access within the Hurstville City Centre. To date the Developer has not made an offer to enter into a Voluntary Planning Agreement in accordance with the Policy.
  10. In this case the residential uplift under the Planning Proposal is 555m<sup>2</sup>, which on its own is not a significant uplift. However when assessing the cumulative impact over the Hurstville Precinct with all the uplifts proposed there is an impact which needs to be addressed.

11. The Hurstville City Centre TMAP 2013 identifies the key road and traffic infrastructure works required to service the future development of the City Centre. The Hurstville Section 94 Development Contributions Plan 2012 does not levy for these roads and traffic facilities.

12. **Therefore**, two options are proposed for IHAP to consider regarding this Planning Proposal to address the road, traffic and transport issues within the centre:

**Option 1:**

*Resubmit the Planning Proposal to the Department of Planning & Environment requesting an amended Gateway Determination to require the proponent to address the impacts on traffic and access within the Hurstville City Centre raised by TfNSW/RMS through a voluntary planning agreement.*

**Option 2:**

*Resubmit the Planning Proposal to the Department of Planning & Environment requesting that the Department insert into the Hurstville LEP 2012 a site specific clause that requires the consent authority to be satisfied that the development will provide for road and traffic upgrades in the local road network and contribute to measures that encourage the use of public transport.*

13. With respect to the NSW Heritage Office's comment on the possible impacts of the proposed development on the heritage significance of the 'Fire Station', 'Friendly Societies Dispensary Building' and other items of local heritage significance in the vicinity of the subject site – this can be dealt with at DA stage with a heritage impact statement that would need to accompany a DA.

## **Report Details**

### **Applicant's Original Planning Proposal Request**

14. The original Planning Proposal request was lodged by KPoint Investments Pty Ltd, on behalf of the Churches of Christ Trust, on 7 November 2014 requesting that Hurstville City Council amend the Hurstville LEP 2012 ("HLEP 2012") in relation to 29-31 MacMahon Street as follows:

- increase the maximum building height from 40m to 55m (approx. 17 storeys),
- increase the maximum floor space ratio (FSR) from 4.5:1 to 7:1, and
- include a bonus 1:1 FSR for a community facility within the proposed FSR of 7:1.

15. The former Hurstville City Council considered the Planning Proposal on 1 April 2015 and resolved not to support the Planning Proposal request due to a number of reasons including:

- the exceedance of development standards,
- inconsistency with the Hurstville City Centre Transport Management and Accessibility Plan, 2013 (the "TMAP") recommendations,
- inconsistency with S117 Direction 3.4: Integrating Land Use and Transport and
- the setting of a precedent.

### **Planning Proposal – Gateway Determination**



16. Subsequent to Council's refusal of the Planning Proposal, the Applicant lodged a Pre-Gateway Review Application (PGR\_2015\_HURST\_001\_00) with the Department of Planning and Environment (the "Department") on 22 May 2015.
17. The application was considered by the Sydney East Joint Regional Planning Panel ("JRPP") at its meetings of 20 April 2016 and 1 June 2016. The JRPP recommended that *"the proposed instrument should be submitted for a Gateway determination"* subject to a number of amendments. **Attachment 1** contains the Panel's decision on the application.
18. On 30 June 2016, the Department requested that the Planning Proposal be updated to reflect the JRPP recommendations by:
  - Reducing the proposed maximum building height from 55m to 50m (approximately 15 storeys)
  - Reducing the proposed FSR from 7:1 to 5.5:1; and
  - Removing the site specific 1:1 FSR bonus for development involving a community facility.
19. Georges River Council advised the Department that it would agree to act as the Relevant Planning Authority on 15 July 2016 and prepared a Planning Proposal for the Site in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and the Department's guidelines titled, *"A guide to preparing local environmental plans"* and *"A guide to preparing planning proposals"*
20. The Planning Proposal reflected the JRPP recommendations, as outlined above and included the requirement for a minimum *"non-residential"* FSR of 0.5:1 on the site.
21. The Planning Proposal was submitted to the Department for a Gateway Determination on 10 August 2016. Council received the Gateway Determination on 28 September 2016. The conditions of the Gateway determination required for Council to consult with a number of public authorities, including RMS and TfNSW.
22. An update report on the Planning Proposal and detailed background information was provided to Council, at its meeting on 7 November 2016, advising of the Gateway Determination and community consultation requirements. A copy of this report is included at **Attachment 2**. **Attachment 3** contains a copy of the Gateway Determination dated 28 September 2016.

## Community Consultation

23. The Planning Proposal was placed on community consultation from 23 November to 21 December 2016 in accordance with the Gateway Approval (which required community consultation for a minimum of 28 days).
24. Exhibition material (including a plain English explanation, land to which the Planning Proposal applies, description of objectives and intended outcomes, copy of the Planning Proposal and relevant maps) was provide during the exhibition period on the Georges River Council website and printed copies were available at:
  - Hurstville Service Centre and Kogarah Service Centre
  - Hurstville City Library and Penshurst Branch Library.
25. Notification of the community consultation was provided through:
  - Newspaper advertisement in The St George and Sutherland Shire Leader

- Exhibition notice and material on Council's website
- Notices in Council offices (Hurstville and Kogarah Service Centres) and Hurstville and Penshurst Libraries
- Letter to the public authorities as specified in the Gateway Determination (refer below)
- Letter to adjoining landowners (in accordance with Council's Notification Procedures).

26. The following public authorities were consulted in accordance with the Gateway Determination:

- Transport for NSW
- Roads and Maritime Services
- Department of Education and Communities
- NSW Ministry of Health
- NSW Office of Environment and Heritage
- Sydney Airport Authority
- Civil Aviation Safety Authority
- Commonwealth Department of Infrastructure and Regional Development.

27. During the exhibition period twenty-one (21) submissions were received including eleven (11) from the local community and ten (10) from public authorities as detailed below and in the summary Tables in **Attachment 4 and 5**.

#### Community Submissions

28. Eleven (11) submissions were received from the community. All of these submissions were in support of the Planning Proposal. The submissions are summarised in **Attachment 5**.

#### Government Authority Submissions

29. The comments raised in the submissions received from public authorities are summarised in the Table in **Attachment 4**.

30. A number of submissions have raised issues/concerns which are still outstanding and have not been addressed by the Applicant. A detailed summary of these issues is included in the Table below:

<b>Roads &amp; Maritime Services &amp; Transport for NSW</b>
<p>The RMS raised "no objection to the planning proposal as the planning proposal is (in itself) unlikely to have a significant impact on the classified road network". The RMS recommends that Council ensures that travel demand management measures (such as appropriate parking restraints) are investigated and incorporated into a site specific DCP or future DA to encourage the use of public and active transport.</p> <p>The RMS goes on to state that:</p> <p><i>"Council should be satisfied that an appropriate funding mechanism is in place to ensure that regional transport infrastructure improvements required as a result of the cumulative impacts of future development in the Hurstville City Centre can be provided".</i></p> <p>Transport for NSW "supports the comments submitted by the Roads and Maritime Services"</p> <p>Transport for NSW also identifies the need for "an appropriate funding mechanism to ensure implementation of demand management strategy</p>

measures”.

### **Council Comments**

It is noted that the issue of traffic and transport impacts and the proposal's inconsistency with the Hurstville City Centre TMAP was raised by Council in its initial refusal of the Planning Proposal request, and both traffic and transport impacts were raised in subsequent correspondence to the Department of Planning and Environment in relation to the Pre-Gateway review process (undertaken by the Sydney East JRPP).

The issues of the adequacy of traffic and transport assessment provided in the Planning Proposal were also raised in Council's Gateway request to the Department (10 August 2016) – Council requested that these issues be included as conditions on the Gateway Determination.

The Department's own internal advice (Information Assessment and Recommendation Report (11 February 2016)) recommended that the Sydney East JRPP consider the following matters in preparing its advice on whether the proposal should proceed to Gateway for determination:

*Requiring a traffic study to determine the cumulative impact of development on this and nearby sites that exceed the existing development controls and justify and inconsistency with the Hurstville City Centre TMAP, including consultation with TfNSW and RMS prior to exhibition.*

The applicant has not addressed or responded to the issues raised by RMS and Transport for NSW.

The Hurstville City Centre TMAP 2013 identifies the key road and traffic infrastructure works required to service the future development of the City Centre. Council cannot levy a Section 94 Contribution at DA stage for road and traffic infrastructure works as the Hurstville Section 94 Development Contributions Plan 2012 does not levy for such works.

To date Council has been addressing the road and traffic infrastructure works funding by the voluntary planning agreement process. To date the Developer has not made an offer to enter into a Voluntary Planning Agreement in accordance with the Council's VPA Policy.

The Planning Proposal results in an up-lift of the residential development potential by 555m<sup>2</sup>. This is not a significant uplift – however when assessing the cumulative impact over the Hurstville Precinct with all the uplifts proposed there is an impact which needs to be addressed.

Therefore two options are being proposed to address the road and traffic infrastructure works required by the potential development as follows:

#### **Option 1:**

*Resubmit the Planning Proposal to the Department of Planning & Environment requesting an amended Gateway Determination to require the proponent to address the impacts on traffic and access within the Hurstville City Centre raised by TfNSW/RMS through a voluntary planning agreement.*

#### **Option 2:**

*Resubmit the Planning Proposal to the Department of Planning &*

*Environment requesting that the Department insert into the Hurstville LEP 2012 a site specific clause that requires the consent authority to be satisfied that the development will provide for road and traffic upgrades in the local road network and contribute to measures that encourage the use of public transport.*

Both options are recommended to be forwarded to the Department for consideration. This will ensure that the road and traffic infrastructure works are either funded through a VPA or are included as conditions of consent for any DA approved on the site.

#### **NSW Office of Environment & Heritage**

The Office of Environment & Heritage noted that a Statement of Heritage Impact was not submitted with the Planning Proposal.

The OEH recommends that Council give consideration to any adverse impact the proposed development would have on the heritage significance of the 'Fire Station', 'Friendly Societies Dispensary Building' and other items of local heritage significance in the vicinity of the subject site, prior to the planning proposal being finalised.

#### **Council Comments**

The adequacy of the heritage assessments provided in the Planning Proposal were also raised in Council's Gateway request to the Department (10 August 2016); asking that these issues be included as conditions on the Gateway Determination.

The correspondence from the Department (28 September 2016) in relation to the Gateway Determination stated that:

*"While the Department notes Council's recommendation for studies in urban design, traffic, heritage and additional demand for facilities, it has determined the existing information provided is sufficient for the purpose of the planning proposal".*

In this respect Council's DRP identified that the relationship of the proposed development to the existing heritage building and street edge is critical and that the proposed building's interface with the existing heritage building needs further resolution and should be considered in relation to the entire street.

This aspect of the development can be considered at the design stage of a development – and be resolved through the DA process.

### **Comments of the St George Design Review Panel**

31. In accordance with the provisions of Clause 27 of SEPP65, the Planning Proposal was referred to the St George Design Review Panel (DRP) on 9 February 2017.

32. In summary, the Panel makes the following recommendation (in part):

*The Panel..... does not support the exceedance of floor space ratio or height above the JRPP recommendation. If the FSR is reduced....the area removed could approximately equate to the top three levels of the tallest part of the proposed building form. With this reduction the building height would then be similar to that of the neighbouring tall buildings, resulting in a more equitable and urbane outcome. Further design resolution as*

*part of the DA process is required and the proposal should be referred to the Panel for consideration at that time.*

33. A copy of the Minutes of the St George DRP is included as **Attachment 6**.

34. The following provides a summary of the comments raised by the St George DRP and Council Officers recommendations in response to the comments:

SEPP 65 Consideration	DRP Comments and Council Officers Recommendation
<b>Context and Neighbourhood Character</b>	<p><b>Height</b></p> <p>The DRP does not support the additional height along the western boundary and has not been adequately justified, particularly in relationship to views for neighbouring properties.</p> <p>The proposed height of approximately 55m is not supported by the DRP and is 5m higher than the recommendation of the JRPP. The proposed height of any development on the site should be consistent with the adjoining development.</p> <p><b><i>Council Recommendation:</i></b> <i>The proposed FSR should not exceed 50m as recommended by the JRPP and this should be reflected in the Planning Proposal.</i></p> <p><b>FSR</b></p> <p>Increased FSR (5.75:1) is not supported and is above the recommended FSR of 5.5:1 (as recommended by the JRPP). The DRP has recommended that the distribution of floor space, number of storeys and view loss issues be reviewed as part of any future DA design. This may be an opportunity to reduce the building envelope/height.</p> <p><b><i>Council Recommendation:</i></b> <i>The proposed FSR should not exceed 5.5:1 as recommended by the JRPP and this should be reflected in the Planning Proposal</i></p> <p><b>Heritage</b></p> <p>The DRP has identified that the relationship of the proposed development to the existing heritage building and street edge is critical. There needs to be further consideration.</p> <p>The proposed building's interface with the existing heritage building needs further resolution and should be considered in relation to the entire street.</p> <p>The identification of a forecourt should be reviewed to ensure that there is legibility and connectivity to a through site link.</p> <p><b><i>Council Recommendation:</i></b> <i>Further consideration at the design stage is to be given to the:</i></p>

SEPP 65 Consideration	DRP Comments and Council Officers Recommendation
	<ul style="list-style-type: none"> <li>▪ <i>Interface between the existing heritage building and the proposed building; and</i></li> <li>▪ <i>The forecourt design to ensure legibility and connectivity throughout the development</i></li> </ul> <p><b>Scale and massing</b></p> <p>The DRP supports the proposed massing as it improves solar access to surrounding properties and provides a view corridor across and from within the courtyard to MacMahon Street.</p> <p>The proposed two storey datum and scale to MacMahon Street is also supported by the DRP, any it is suggested that a “podium” building of this height be considered along the full frontage – in sympathy with the scale of the heritage building – rather than having a small courtyard adjoining it and exposing its blank side wall.</p> <p><b>Council Recommendation:</b> <i>No objection to the proposed massing and scale, subject to compliance with the maximum building height of 50m and FSR of 5.5:1.</i></p>
<b>Built Form and Context</b>	No specific comments were provided by the DRP
<b>Density</b>	<p>As outlined above the FSR should comply with the maximum of 5.5:1.</p> <p><b>Council Recommendation:</b> <i>The proposed FSR should not exceed 5.5:1 as recommended by the JRPP and this should be reflected in the Planning Proposal</i></p>
<b>Sustainability</b>	<p>It is considered that the proposed design demonstrates solar access to adjacent buildings and that the proposed envelopes can facilitate solar access and cross ventilation as per the ADG.</p> <p>This will be considered in more detail as part of any future DA.</p> <p><b>Council Recommendation:</b> <i>That this be reviewed as part of any future DA for the subject site</i></p>
<b>Landscape</b>	<p>The streetscape along MacMahon Street and opportunities for future street trees should be addressed as a component of any future DA</p> <p>Any proposed communal open space should address the following:</p> <ul style="list-style-type: none"> <li>• Interface with adjoining podiums levels.</li> <li>• Adequate soil depth to support tree planting to contribute to outlook and privacy between properties.</li> </ul>

SEPP 65 Consideration	DRP Comments and Council Officers Recommendation
	<p><b>Council Recommendation:</b> Further consideration at the design stage is to be given to the:</p> <ul style="list-style-type: none"> <li>▪ Streetscape along MacMahon Street</li> <li>▪ Communal open space areas and the adequacy for deep soil planting and interface between podium levels</li> </ul>
<b>Amenity</b>	<p>The DRP has identified that this will be subject to future detailed design.</p> <p><b>Council Recommendation:</b> Further consideration at the design stage is to be given to the amenity provisions of SEPP 65</p>
<b>Safety</b>	<p>The DRP has identified that this will be subject to future detailed design, however the configuration/depth and activation of any forecourt will be an important consideration.</p> <p><b>Council Recommendation:</b> Further consideration at the design stage is to be given to the safety provisions of SEPP 65, particularly with respect to the design of any forecourt area.</p>
<b>Housing Diversity and Social Interaction</b>	<p>The DRP has identified that this will be subject to future detailed design.</p> <p><b>Council Recommendation:</b> Further consideration at the design stage is to be given to the housing diversity and social interaction provisions of SEPP 65</p>
<b>Aesthetics</b>	<p>The DRP has identified that this will be subject to future detailed design, however consideration should be given to views to the existing fire station</p> <p><b>Council Recommendation:</b> Further consideration at the design stage is to be given to the aesthetic provisions of SEPP 65, and specifically views along the street and to the existing fire station.</p>

## Voluntary Planning Agreement

35. The developer has not made an offer to enter into a Voluntary Planning Agreement (VPA) in conjunction with the Planning Proposal. Discussions have been held with the Applicant, in accordance with the *Georges River Policy on Planning Agreements 2016* (VPA Policy).

36. The VPA Policy was adopted on 1 August 2016 and sets out Council's objectives in relation to the use of planning agreements including:

- to provide an enhanced and more flexible development contributions system;
- to supplement or replace, as appropriate the application of s94 or s94A.;

- *to ensure that the framework for planning agreements is consistent, efficient, fair and accountable;*
- *facilitate the provision of public facilities and services..”*

The Policy has been consistently applied to planning proposals and development applications alike since its adoption.

37. Clause 5.3 of the Policy states that where either a planning proposal is proposed, or a development consent is sought, which will result in an exceedance of development standards, resulting in an inherent increase in value of the land or development, the concept of land value capture may be used to assess the appropriate contribution. This concept may be applied in addition to other considerations in relation to the level of the contributions.
38. Clause 5.13 of the Policy states through a formula, that Council capture fifty percent (50%) of the increase in the residual land value resulting from the planning uplift sought for a site via the Planning Proposal. In the case of this Planning Proposal, the estimated uplift in the residual land value has been calculated to be approximately \$2.5 million, which 50% is \$1.25 million. As such, in accordance with Council's VPA Policy the Developer should be offering approximately \$1.25 million in public benefits to Council via either public works, dedication of land or monetary contributions.
39. The Policy provides that where the developer disputes the values in the Policy, the developer can provide the Council with sufficient details, costs and valuations to determine the realistic figure for the residual land value. This has not occurred in this case.

#### Public Benefits

40. The Council has consistently applied the VPA Policy to Planning Proposals in the Hurstville City Centre, in order to provide public benefits that bear a relationship to the development and that are for a proper legitimate planning purpose. The key focus has been the provision of and contributions towards road and traffic infrastructure in the City Centre.
41. The *Hurstville City Centre TMAP 2013* identifies the key road and traffic infrastructure works required to service the future development of the City Centre. The *Hurstville Section 94 Development Contributions Plan 2012* does not levy for these roads and traffic facilities. Therefore VPA's provide a mechanism for Council to assist in funding the delivery of this critical infrastructure within the City Centre where the proposed development has an impact on this infrastructure.
42. The proposed development under the Planning Proposal will result in an increase in traffic in the Hurstville City Centre and should therefore be contributing to the provision of this infrastructure as outlined in the TMAP. This is consistent with the public authority submissions received from RMS and TfNSW during the consultation period for the Planning Proposal. RMS state that "*Council should be satisfied that an appropriate funding mechanism is in place to ensure that regional transport infrastructure improvements required as a result of the cumulative impacts of future development in the Hurstville City Centre can be provided*".



43. Therefore, a contribution under a VPA towards public benefits such as road and traffic facilities identified in the Hurstville City Centre TMAP is considered reasonable on the basis that the Planning Proposal will result in increased development in the City Centre.
44. The consistent approach followed in considering development activity in the centre is that each development contributes to the improvement of the road and traffic facilities in order to cater for increased traffic capacity. To ensure this development addresses these impacts a suggested option is that a specific clause is included into the Hurstville LEP 2012 that indicates that a consent authority is to be satisfied that the development will provide for road and traffic upgrades on the local road network and contribute to measures that encourage the use of public transport.

## Conclusion and Next Steps

The Planning Proposal has been exhibited in accordance with the requirements of the Act, the Regulation and Gateway Determination, and submissions received during the exhibition period have been considered.

Council has previously advised the Department of Planning and Environment that it will not exercise its delegation for the finalisation of the Planning proposal.

If the IHAP supports this report's recommendations, a separate report will be prepared for the next Georges River Council meeting to advise the outcomes and recommendations of this IHAP meeting and request that Council (as the 'relevant planning authority') resolve to support the Planning Proposal (with the two options) and the finalisation of the draft amendment to the Hurstville Local Environmental Plan 2012 in accordance with section 59 of the Environmental Planning and Assessment Act 1979.

All submitters will be advised of the Council's decision.

## ATTACHMENTS

- |                                   |   |
|-----------------------------------|---|
| Attachment <a href="#">View</a> 1 | Sydney East JRPP Decision on the application  |
| Attachment <a href="#">View</a> 2 | Report to Council held 7 November 2016        |
| Attachment <a href="#">View</a> 3 | Gateway Determination dated 28 September 2016 |
| Attachment <a href="#">View</a> 4 | Summary of Public Authority Submissions       |
| Attachment <a href="#">View</a> 5 | Summary of Community Submissions              |
| Attachment <a href="#">View</a> 6 | Minutes of the St George DRP                  |

**Joint Regional Planning Panel –  
Pre-Gateway Review – Recommendation Report**

The Sydney East Joint Regional Planning Panel (JRPP) has considered the request for a review of the proposed instrument as detailed below.

**The Pre-Gateway Review:**

<b>Dept. Ref. No:</b>	PGR_2015_HURST_001_00
<b>LGA:</b>	Hurstville
<b>LEP to be Amended:</b>	Hurstville Local Environmental Plan 2012
<b>Address / Location:</b>	29-31 MacMahon Street, Hurstville
<b>Summary of Proposal:</b>	The planning proposal seeks to amend the draft Hurstville Local Environmental Plan (Hurstville City Centre) by increasing the building height from 40 m to 55 m and the FSR from 4.5:1 to 6:1 applying to land at 29-31 MacMahon Street, Hurstville
<b>Panel Chair:</b>	John Roseth
<b>Panel Members:</b>	David Furlong, Sue Francis, Con Hindi and Vince Badalati
<b>Reason for review:</b>	<input checked="" type="checkbox"/> The council has notified the proponent that the request to prepare a planning proposal has not been supported
	<input type="checkbox"/> The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal

In considering the request, the JRPP has reviewed all relevant information provided by the proponent as well as the views and position of the Department and the relevant local government authority. Based on this review the JRPP recommends the following:

<b>JRPP RECOMMENDATION:</b>	<input checked="" type="checkbox"/>	The proposed instrument <b>should</b> be submitted for a Gateway determination
	<input type="checkbox"/>	The proposed instrument <b>should not</b> be submitted for a Gateway determination

**Reasons for the Panel's decision**

- 1) The Panel resolves unanimously to recommend to the Minister that the planning proposal proceed to a Gateway Determination subject to the following conditions/amendments:
  - a) The maximum building height to be 50m;
  - b) The maximum FSR to be 5.5:1;
  - c) The Department of Planning and Environment is to consult with the appropriate authorities about the height in relation to obstacle limitation surface.
- 2) The reason for the Panel restricting the maximum height to 50m is that the heights of the existing buildings in the immediate vicinity of the site are in the 40-45m range. These buildings are unlikely to be redeveloped in the near or medium future. A 50m high building on the subject site will be reasonably compatible with existing development, whereas a building of 55m is likely to be dominant. The Panel's decision to opt for a maximum FSR of 5.5:1 is that the applicant's urban design analysis suggests, on page 212, that this is the appropriate FSR for a height of 48m (ie approximately 50m).

- 3) The Panel is satisfied, on the basis of the applicant's urban design analysis, that the above density and height controls will produce a development on the subject site that will be compatible in its environment, with acceptable impacts on surrounding development.

Signed by



**Dr John Roseth**  
**Chair**  
**Sydney East Joint Regional Planning Panel**  
**Date: 1 June 2016**

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**Item:** **CCL093-16 Status Report - Planning Proposal - PP2014/0003 - Nos. 29-31 MacMahon Street Hurstville - Hurstville Ward**

**Author:** Manager Strategic Planning, Carina Gregory and Director Environment and Planning, Meryl Bishop

**Directorate:** Environment and Planning

**Matter Type:** Environment and Planning

### **Recommendation**

- (a) That Council note the receipt of the Gateway determination for the Planning Proposal for Nos. 29-31 MacMahon Street, Hurstville.
- (b) That the Planning Proposal proceed to public exhibition subject to an appropriate material public benefit being identified, negotiated and formalised in an agreement to the satisfaction of the General Manager.
- (c) That should this agreement on the material public benefit not be achieved within 21 days, the matter be referred back to Council for consideration.

### **Executive Summary**

1. This report provides an update on the receipt of the Gateway determination for the Planning Proposal (PP2014/0003) for Nos. 29-31 MacMahon Street Hurstville (the Site).
2. The Planning Proposal was lodged on 7 November 2014 by KPoint Investments Pty Ltd on behalf of the Churches of Christ Trust and requested the following amendments to the Hurstville Local Environmental Plan 2012 ("HLEP 2012"):
  - increasing the maximum building height from 40m to 55m
  - increasing the maximum floor space ratio (FSR) from 4.5:1 to 7:1
  - including a bonus 1:1 FSR for a community facility within the proposed FSR of 7:1.
3. The former Hurstville City Council considered the Planning Proposal on 1 April 2015 and resolved not to support the Planning Proposal request due to a number of reasons including:
  - the exceedance of development standards,
  - inconsistency with the Hurstville City Centre Transport Management and Accessibility Plan, 2013 (the "TMAP") recommendations,
  - inconsistency with S117 Direction 3.4: Integrating Land Use and Transport and
  - the setting of a precedent.

4. The Applicant lodged a Pre-Gateway Review Application (PGR\_2015\_HURST\_001\_00) with the Department of Planning and Environment (the "Department") on 22 May 2015. The application was considered by the Sydney East Joint Regional Planning Panel ("JRPP") at its meetings of 20 April 2016 and 1 June 2016. The JRPP recommended that *"the proposed instrument should be submitted for a Gateway determination"* subject to a number of amendments.
5. Georges River Council ("Council") advised the Department that it would agree to act as the Relevant Planning Authority ("RPA") on 15 July 2016 and prepared a Planning Proposal for the Site in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and the Department's guidelines titled, *"A guide to preparing local environmental plans"* and *"A guide to preparing planning proposals"* which reflected the JRPP recommendations and includes a minimum *"non-residential"* FSR of 0.5:1 on the site.
6. A Gateway determination request was submitted to the Department on 10 August 2016.
7. Council has received a Gateway determination dated 28 September 2016 to enable public exhibition of the planning proposal to amend the height and FSR controls for 29-31 MacMahon Street Hurstville which contains a number of conditions (refer Attachment 1). The Department expects Council to place the planning proposal on exhibition as soon as practicable as the time frame for completing the LEP is July 2017.

## Background

### The Site

8. The Site is located at Nos. 29 and 31 MacMahon Street, Hurstville. The site is rectangular in shape, has a total site area of 1,112.6m<sup>2</sup>, a frontage of 30.18m and the depth is 47m.





Figure 1: Site Location

9. The Site is owned by The Churches of Christ Property Trust and contains an existing two storey residential apartment block (4 dwellings) and a single storey Church. Vehicular access is provided off MacMahon Street.

#### **Applicant's Planning Proposal Request, 7 November 2014 (PP2014/0003)**

10. The Planning Proposal request was lodged by KPoint Investments Pty Ltd on 7 November 2014 and requested the following amendments to HLEP 2012 in relation to the Site:
- Amend the Height of Buildings Map to increase the height from 40 metres (approx. 12 storeys) to 55 metres (approx. 17 storeys)
  - Amend the Floor Space Ratio (FSR) Map to increase the FSR from 4.5:1 to 7:1 (this included an FSR of 1:1 for a 'community facility').

#### **Council's consideration of Planning Proposal**

11. Hurstville City Council considered the Planning Proposal request at its meeting of 1 April 2015 and resolved not to support the Planning Proposal due to the request exceeding the development standards in HLEP 2012 (Amendment No. 3) by a significant amount, inconsistencies with the Hurstville City Centre TMAP recommendations and S117

Direction 3.4: *Integrating Land Use and Transport* and the setting of a precedent of amendments to the development standards in an instrument recently finalised.

### Pre Gateway Review Application (22 May 2015) and JRPP consideration

12. The Applicant lodged a Pre-Gateway Review application (PGR\_2015\_HURST\_001 00) with the Department on 22 May 2015. The Application was considered by the JRPP on two (2) occasions; 19 April 2016 and 1 June 2016.
13. On 30 June 2016, the Department requested that the Planning Proposal be updated to reflect the JRPP recommendations by:
  - reducing the proposed maximum height to 50m (approx. 15 storeys)
  - reducing the proposed FSR to 5.5:1
  - removing the site specific 1:1 FSR bonus for development involving a community facility

### Applicant's amended Planning Proposal - 3 August 2016

14. The Applicant submitted an amended Planning Proposal and a revised Urban Design Study on 3 August 2016 which reflected the recommendations of the JRPP.
15. The amended Planning Proposal removed all references to "*community use*" and "*place of public worship*" on the Site and has included reference to "*non-residential*" uses on the ground floor level.
16. The Applicant has not made an Offer to enter into a Planning Agreement in relation to the Subject Site.

### Council's request for Gateway Determination

17. Council advised the Department that it will act as the RPA on 15 July 2016.
18. In line with the recommendations of the JRPP in its determination of PGR\_HURST\_001\_00 and in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and the Department's guidelines, Council submitted a Planning Proposal for the Site to the Department for a Gateway determination on 10 August 2016.
19. A summary of the current planning controls, Applicant Proposal (original lodged in November 2014 and revised lodged in August 2016), JRPP Recommended and Final Recommended planning controls is provided in the Table below:

	Current Controls	Applicant Proposal (Original Nov 2014 and revised August 2016)	Recommended JRPP (June 2016)	Recommended
Site Area	1,112.6m <sup>2</sup>	--		--

Zone	B4 Mixed Use	B4 Mixed Use		B4 Mixed Use
FSR	4.5:1 (5,007m <sup>2</sup> )	<b>Original:</b> 7:1 (7,788m <sup>2</sup> ) (approx. 70 apartments) <b>Revised:</b> 5.75:1 (6,398m <sup>2</sup> )* (approx. 60 apartments)	5.5:1 (6,119m <sup>2</sup> )	5.5:1 Including a minimum non-residential floorspace of 0.5:1
Height	40m (12 storeys)	<b>Original:</b> 55m (17 storeys)  <b>Revised:</b> 50m (15 storeys)	50m (15 storeys)	50m (15 storeys)

\* The total GFA of 6,398m<sup>2</sup> includes a non-residential floorspace of approx. 1,000m<sup>2</sup> (0.9:1) and a residential floorspace of 5398m<sup>2</sup> (4.8:1) as detailed in the Urban Design Study which results in an overall FSR of 5.75:1. The revised Planning Proposal request identifies an FSR of 5.5:1.

20. In summary, the proposed changes included in the Planning Proposal request to the Department for Gateway determination, in line with the recommendations of the JRPP included:
  - reducing the requested height from 55m (approx. 17 storeys) to 50m (approx. 15 storeys)
  - reducing the requested FSR from 7:1 (including bonus FSR) to 5.5:1
  - consultation with the appropriate authorities about the height in relation to Obstacle Limitation Surface.
21. An additional proposed change was included in the Planning Proposal request in response to the current strategic planning studies being undertaken in relation to the business zones and reflecting the identified ground level “*non-residential*” land use in the Applicant’s revised Planning Proposal request:
  - a minimum 0.5:1 “*non-residential*” FSR be required on the site for employment purposes.
22. Council noted that the following supporting studies may be required and that these issues were previously raised by both Council and the Department in its Information Assessment and Recommendation Report (February 2016):
  - a Traffic Study to demonstrate consistency with the TMAP, traffic impacts of the proposed place of worship and community facilities and consultation with TfNSW and RMS,
  - a Heritage Impact Assessment to address any potential impacts of the revised Planning Proposal on the two heritage items, and
  - an analysis of demand for recreation and community facilities.

## Gateway Determination



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23. A Gateway Determination, dated 28 September 2016 (refer Attachment 1), has been received from the Department under section 56 of the Act in respect of the Planning Proposal to amend the height and FSR controls for the Site.
24. The Department notes Council's recommendations for studies in urban design, traffic, heritage and additional demand for facilities; however, it has determined that the existing information provided is sufficient for the purpose of the Planning Proposal.
25. The Department acknowledges that Council does not wish to exercise its Plan-making delegation in relation to the Planning Proposal.
26. The Gateway includes the following conditions:
1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
    - i. Planning Proposal to be publicly exhibited for 28 days
    - ii. The RPA (Council) to comply with notice requirements identified in section 5.5.2 of the Department's *A Guide to Preparing LEPs (2013)*
  2. Consultation is required with the following public authorities under section 56(2)(d) of the Act and to comply with the requirements of relevant section 117 Directions:
    - i. Transport for NSW
    - ii. Roads and Maritime Services
    - iii. Department of Education and Communities
    - iv. NSW Ministry of Health
    - v. NSW Office of Environment and Heritage
    - vi. Sydney Airport Authority
    - vii. Civil Aviation Safety Authority and
    - viii. Commonwealth Department of Infrastructure and Regional Development
- Each public authority is to be provided with a copy of the Planning Proposal and relevant supporting material and given at least 21 days to comment on the proposal.
3. A public hearing is not required under section 56(2) (e) of the Act.
4. The timeframe for completing the LEP is 9 months from the week following the date of the Gateway determination, i.e.; 5 July 2017

#### **VPA Offer**

27. It is noted that no Offer to enter into a Planning Agreement was submitted with the Planning Proposal.
28. On 1 August 2016, Council adopted a Policy on Planning Agreements that includes provisions when Council may consider entering into a planning agreement.

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29. On 10 August 2016, Council requested the Applicant to advise if they have an intention to provide an Offer to enter into a Planning Agreement. Council did not receive a response from the Applicant to this correspondence and a further letter was sent on 25 October 2016.
30. On 31 October 2016, the Applicant responded to Council's letters, however has not clarified its position as to whether an Offer is to be made to enter into a Planning Agreement.

### **Next Steps**

- A. The Planning Proposal proceed to public exhibition subject to an appropriate material public benefit being identified, negotiated and formalised in an agreement to the satisfaction of the General Manager.
- B. That should this agreement on the material public benefit not be achieved within 21 days, the matter be referred back to Council for consideration.

### **Financial Implications**

31. Within budget allocation.

### **File Reference**

14/1818

### **ATTACHMENTS**

Attachment	Gateway Determination - 29-31 MacMahon Street Hurstville - 28 September
1	2016



Ms Gail Connolly  
General Manager  
Georges River Council  
PO Box 2015,  
Hurstville NSW 2220

Our ref: PP\_2016\_GRIVE\_003\_00 (16/11464)  
Your ref: PP2014/0003

*Gail*  
Dear Ms Connolly

### **Planning proposal to amend Hurstville Local Environmental Plan 2012**

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to amend the height and FSR controls for 29-31 MacMahon Street Hurstville.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

While the Department notes Council's recommendation for studies in urban design, traffic, heritage, and additional demand for facilities, it has determined the existing information provided is sufficient for the purpose of the planning proposal.

It has been noted that Council does not wish to exercise its Plan making delegation in relation to the planning proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Olivia Hirst of the Department's regional office to assist you. Ms Hirst can be contacted on (02) 9274 6583.

Yours sincerely

  
**Stephen Murray**  
**Executive Director, Regions**  
**Planning Services**

*28 September 2016*

End: Gateway Determination



Planning &  
Environment

## Gateway Determination

***Planning proposal (Department Ref: PP\_2016\_GRIVE\_003\_00): to amend the height and FSR controls for 29-31 MacMahon Street Hurstville.***

I, the Executive Director, Regions at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Hurstville Local Environmental Plan (LEP) 2012 to amend the height and FSR controls for a site at 29-31 MacMahon Street Hurstville should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2013).
2. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
  - Transport for NSW,
  - Roads and Maritime Services,
  - Department of Education and Communities,
  - NSW Ministry of Health,
  - NSW Office of Environment and Heritage,
  - Sydney Airport Authority,
  - Civil Aviation Safety Authority and
  - Commonwealth Department of Infrastructure and Regional Development.


Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 28<sup>th</sup> day of September 2016

  
Stephen Murray  
Executive Director, Regions  
Planning Services  
Department of Planning and Environment  
Delegate of the Greater Sydney Commission

**Attachment 4: Summary of Public Authority Submissions to the Community Consultation (November/December 2016) of the Planning Proposal for 29-31 MacMahon Street Hurstville**

	Public Authority	Summary of Submission	Response	Planning Proposal Recommendation
1	Roads and Maritime Services (D16/158804)  21/12/16	<p>Roads and Maritime raises no objection as the planning proposal is (in itself) unlikely to have a significant impact on the classified road network.</p> <p>However, it is recommended that Council gives consideration to ensuring that travel demand management measures (such as appropriate parking restraints) for the subject planning proposal site are investigated and incorporated into a site specific DCP or future DA to encourage the use of public and active transport.</p> <p>RMS advises that Council should ensure that an <u>appropriate funding mechanism</u> is in place for allowing regional transport infrastructure improvements; required as a result of the <u>cumulative impacts</u> of future development in the Hurstville City Centre.</p>	Comments noted. Refer consideration in the body of the report.	Refer consideration in the body of the report.
2	Transport for NSW (TfNSW) (D17/11290)  31/01/17	<p>TfNSW supports the comments submitted by Roads and Maritime Services (RMS) in their letter to Council dated 21 December 2016.</p> <p>TfNSW notes as the planning proposal is within the Hurstville City Centre.</p> <p>TfNSW supports Council requiring travel demand management measures be investigated and incorporated into a site specific Development Control Plan and future Development Application. These include, but are not limited to:</p> <p>1. Green Travel Plan,</p>	Comments noted. Refer consideration in the body of the report.	Refer consideration in the body of the report.

	Public Authority	Summary of Submission	Response	Planning Proposal Recommendation
		2. Appropriate parking controls, 3. Bicycle facilities, and 4. An appropriate funding mechanism to ensure implementation of demand management strategy measures.		
3	Heritage Division, NSW Office of Environment and Heritage (OEH)  (D17/13887)  03/02/17	<p>OEH notes that the subject site does not contain items listed on the State Heritage Register (SHR) and there are no SHR items in the vicinity of the subject site.</p> <p>However, the site adjoins a local heritage item 'Fire Station' (I159) listed within 'Schedule 5 - Environmental Heritage' of HLEP 2012 as well as another local item, 'Friendly Societies' Dispensary Building' (I159) is in the vicinity.</p> <p>OEH notes that a Statement of Heritage Impact has not been submitted as part of the planning proposal and recommends that Georges River Council give consideration to any adverse impact the proposed development would have on the heritage significance of the 'Fire Station', 'Friendly Societies Dispensary Building' and other items of local heritage significance in the vicinity of the subject site, <u>prior to the planning proposal being finalised.</u></p>	Comments noted. Refer consideration in the body of the report.	Refer consideration in the body of the report.
4	Department of Infrastructure and Regional Development  (D16/159149)  21/12/16	<p>The Department notes that the proposal at a height of 50m above ground level would result in an approximate maximum height of 120.38m AHD.</p> <p>The Department understands that Council has consulted with Sydney Airport Corporation Limited (SACL) regarding this proposal, and note that SACL would be able to provide detailed information about</p>	<p>Comment noted.</p> <p>Any future DA will be referred to Sydney Airports to ensure that the future development does not penetrate the OLS and/or the prescribed airspace</p>	It is considered that the proposed height should not exceed 50m as recommended by the JRPP.



	Public Authority	Summary of Submission	Response	Planning Proposal Recommendation
		<p>the relevant Airspace above the site.</p> <p>If any subsequent buildings in the area penetrate Prescribed Airspace for Sydney Airport, they will require approval by the Department under the <i>Airports (Protection of Airspace) Regulations 1996</i>.</p> <p>Any equipment, such as cranes would also require approval under the regulations; subject to advice from the Civil Aviation Safety Authority and Airservices Australia.</p>		
5	<p>Sydney Airport Corporation Ltd. (SACL)</p> <p>(D16/158805)</p> <p>21/12/16</p>	<p>SACL notes that the site lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations, which limit the height of any temporary structure and/or equipment to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority (CASA). A new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations if the height of any temporary structure and/or equipment is greater than 15.24m AEGH.</p> <p>SACL notes that the height of the prescribed airspace at this location is 125.8 metres above AHD and the application seeks approval for the property development to a height of 125.2 metres Australian Height Datum (AHD).</p> <p>SACL advises that SACL does not have any objection to the erection of this development to a maximum height of 125.2 metres AHD. A new application must be submitted if it exceeds this height.</p>	<p>Noted that the Sydney Airport prescribed airspace at the location is 125.8m AHD. The changes to the development standards proposed a maximum building height on the site of 50m. With a contour height on the site of approx. 70m AHD, the proposed maximum would therefore be 120m AHD, well below the prescribed maximum of 125.8m AHD.</p>	<p>It is considered that the proposed height should not exceed 50m as recommended by the JRPP.</p>

	Public Authority	Summary of Submission	Response	Planning Proposal Recommendation
		SACL advises that approval to operate construction equipment (i.e. cranes) should be obtained under the Airports (Protection of Airspace) Regulations prior to any commitment to construct, in accordance with the information provided.		
6	Sydney Metro Airports Bankstown & Camden  (D16/151521)  07/07/16	The protection of airspace in the vicinity of Bankstown Airport is legislated via the Regulations that support the Airports Act 1996 and stipulates that the Obstacle Limitation Surface (OLS) and procedure for air navigation services – aircraft operations (PANS/OPS) must be protected by having those surfaces Declared as of Prescribed Airspace for Bankstown Airport.  Maps showing the OLS were attached to the submission.	The Prescribed Airspace Future OLS (2013) Critical Surface Map for Bankstown Airport identifies an Outer Horizontal Surface of 156m AHD; this applies to the Subject Site.  The proposed development standard maximum building height of 50m (with a contour height of approx. 70m) falls well within the 156m AHD.	It is considered that the proposed height should not exceed 50m as recommended by the JRPP.
7	Civil Aviation Safety Authority (CASA)  (D16/159558)  22/12/16 and 10/02/17	CASA advises that the airspace above the site is affected by the Sydney and Bankstown Airports' Obstacle Limitation Surfaces (OLS) and Procedures for Air Navigation Services - Airport Operations (PANS-OPS). SACL and Bankstown Airport Ltd (BAL) are responsible for the protection of the prescribed airspace (OLS and PANS-OPS) at their respective airports.  CASA recommends that Council refers the planning proposal to SACL and BAL to assess any impact on the airports' prescribed airspace and provide their assessments to CASA. CASA will then provide an obstacle hazard assessment and subsequent	Refer above.	It is considered that the proposed height should not exceed 50m as recommended by the JRPP.

	Public Authority	Summary of Submission	Response	Planning Proposal Recommendation
		recommendations.		
8	NSW Department of Education (D17/14525) 06/02/17	The Department of Education notes the Planning Proposal represents a potential for a minor increase in dwellings from what is currently permissible on the site and therefore the potential demand for additional education facilities is not significant.  On this basis, the Department raises no concerns in relation to the Planning Proposal.	Comment noted.	No change.
9	NSW Health (D17/23106) 16/02/17	The relatively low number of new residents potentially entering the area and the impact on health services does not appear to be significant.  Council is advised that SESLHD has no comment on the proposal.	Comment noted.	No change

**Attachment 5: Summary of Community Submissions to the Community Consultation (November/December 2016) of the Planning Proposal (PP2014/0003) for 29-31 MacMahon Street Hurstville (11 Submissions)**

	Name	Summary of Submission	Response
1	Andrew Ball 10/12/16	<p>The submission acknowledges that Hurstville Church of Christ is seeking to develop its strategically placed property in order to continue to benefit and enhance the community of which it is a part.</p> <p>As a Conference of over 100 Churches across NSW the submission endorses the Planning Proposal which will, if adopted, enable the Church's property to be redeveloped strategically and assist the Church to continue to be a community offering fresh hope in the City of Hurstville more significantly than ever before and in a greater variety of ways than ever before.</p> <p>We consider the adoption of the Planning Proposal will add considerably to the amenity of the civic precinct of Hurstville and provide a significant platform by which the Hurstville Church of Christ will be well placed to continue to serve and benefit the community of Hurstville in an enhanced way.</p>	Support noted
2	Lynne Toomey 16/12/16	<p>I note the above Planning Proposal has been advertised by Council.</p> <p>I am aware Hurstville Church of Christ, for over 100 years, has been serving, and contributing to, the people of Hurstville in many, many ways and countless people have benefited as a result.</p> <p>Each week numerous people benefit by way of the English Classes held each Saturday and the weekly playgroup held on Wednesdays. Other community groups make use of the facilities the Church provides for their meetings.</p> <p>I note the Planning Proposal is intended to facilitate amendments sought to the Hurstville LEP 2012 in relation to 29-31 MacMahon Street, Hurstville.</p> <p>I wholeheartedly endorse the Planning Proposal. If adopted, this proposal will enable the Church's property to be redeveloped in a sensible manner and assist the Church, more ably than ever, to continue its service to the community.</p> <p>I consider the adoption of the Planning Proposal will add considerably to the amenity of the civic precinct of Hurstville and enhance the visual amendments of MacMahon Street and in turn benefit the reputation and stature of the Georges River Council area. The current unit block on the proposed site detracts immensely from the present area especially being directly opposite the Council offices.</p> <p>As a resident and rate payer of the Georges River Council Local Government Area I commend the</p>	Support noted.

	Name	Summary of Submission	Response
		adoption of the Proposal.	
3	John Dicker 19/12/16	<p>I note the above Planning Proposal has been advertised by Council.</p> <p>I am aware Hurstville Church of Christ, for over 100 years, has been serving, and contributing to, the people of Hurstville in many, many ways and countless people have benefited as a result.</p> <p>I note the Planning Proposal is intended to facilitate amendments sought to the Hurstville LEP 2012 in relation to 29-31 MacMahon Street, Hurstville.</p> <p>I endorse the Planning Proposal as I consider it will, if adopted, enable the Church's property to be redeveloped in a sensible manner and assist the Church, more ably than ever, to continue its service to the community.</p> <p>I consider the adoption of the Planning Proposal will add considerably to the amenity of the civic precinct of Hurstville and enhance the visual amendments of MacMahon Street and in turn benefit the reputation and stature of the Georges River Council area.</p> <p>As a resident of the Georges River Council Local Government Area. I commend the adoption of the Proposal.</p>	Support noted.
4	David A Bentley 20/12/16	<p>I note the above Planning Proposal has been advertised by Council.</p> <p>I am aware Hurstville Church of Christ, for over 100 years, has been serving, and contributing to, the people of Hurstville in many, many ways and countless people have benefited as a result. That serving work continues to increase to the present day.</p> <p>I note the Planning Proposal is intended to facilitate amendments sought to the Hurstville LEP 2012 in relation to 29-31 MacMahon Street, Hurstville.</p> <p>I strongly endorse the Planning Proposal as I consider it will, if adopted, enable the Church's property to be redeveloped in a sensible manner and assist the Church, more ably and effectively than ever, to continue its service to the community.</p> <p>I consider the adoption of the Planning Proposal will also add considerably to the amenity of the civic precinct of Hurstville and enhance the visual amendments of MacMahon Street and in turn benefit the reputation and stature of the Georges River Council area.</p>	Support noted.
5	David A Bentley	I note the above Planning Proposal has been advertised by Council.	Support noted.

	Name	Summary of Submission	Response
	20/12/16	<p>I am aware Hurstville Church of Christ, for over 100 years, has been serving, and contributing to, the people of Hurstville in many, many ways and countless people have benefited as a result.</p> <p>I note the Planning Proposal is intended to facilitate amendments sought to the Hurstville LEP 2012 in relation to 29-31 MacMahon Street, Hurstville.</p> <p>I endorse the Planning Proposal as I consider it will, if adopted, enable the Church's property to be redeveloped in a sensible manner and assist the Church, more ably and effectively than ever, to continue its service to the community.</p> <p>I consider the adoption of the Planning Proposal will add considerably to the amenity of the civic precinct of Hurstville and enhance the visual amendments of MacMahon Street and in turn benefit the reputation and stature of the Georges River Council area.</p>	
6	Nathan and Laura Murphy 19/12/16	<p>The submission notes the Planning Proposal advertised by Council.</p> <p>The submission acknowledges that Hurstville Church of Christ, for over 100 years, has been serving, and contributing to, the people of Hurstville in many, many ways and countless people have benefited as a result.</p> <p>The submission notes the Planning Proposal is intended to facilitate amendments sought to the Hurstville LEP 2012 in relation to 29-31 MacMahon Street, Hurstville.</p> <p>The submission considers that the Planning Proposal will, if adopted, enable the Church's property to be redeveloped in a sensible manner and assist the Church, more ably than ever, to continue its service to the community.</p> <p>The submission considers the adoption of the Planning Proposal will add considerably to the amenity of the civic precinct of Hurstville and enhance the visual amendments of MacMahon Street and in turn benefit the reputation and stature of the Georges River Council area and commends the adoption of the Proposal.</p>	Support noted.
7	Shamus Toomey 21/12/16	<p>Hurstville Church of Christ, for nearly 110 years, has been serving, and contributing to, the people of Hurstville in many, many ways and countless people have benefited as a result.</p> <p>I note the Planning Proposal is intended to facilitate amendments sought to the Hurstville LEP 2012 in relation to 29-31 MacMahon Street, Hurstville.</p> <p>I endorse the Planning Proposal as I consider it will, if adopted, enable the Church's property to be</p>	Support noted.

	Name	Summary of Submission	Response
		<p>redeveloped in a sensible manner and assist the Church, more ably than ever, to continue its service to the community.</p> <p>The Church of Christ, Hurstville is one of the last remaining civic institutions in MacMahon Street, traditionally the major civic precinct in Hurstville. The Church is seeking to expand its role in the community and provide a modern multipurpose facility which will serve the needs of both the Church and the local community.</p> <p>The desire of the Church is to increase its impact in the community and provide better facilities, programs and opportunities in a centrally located position within Hurstville which is suitable for, and readily accessible, to the community.</p> <p>I consider the adoption of the Planning Proposal will add considerably to the amenity of the civic precinct of Hurstville and enhance the visual amendments of MacMahon Street and in turn benefit the reputation and stature of the Georges River Council area.</p>	
8	Shamus and Keren Toomey 21/12/16	<p>We note the above Planning Proposal has been advertised by Council.</p> <p>We are aware Hurstville Church of Christ, for nearly 110 years, has been serving, and contributing to, the people of Hurstville in many, many ways and countless people have benefited as a result.</p> <p>We note the Planning Proposal is intended to facilitate amendments sought to the Hurstville LEP 2012 in relation to 29-31 MacMahon Street, Hurstville.</p> <p>We endorse the Planning Proposal as we consider it will, if adopted, enable the Church's property to be redeveloped in a sensible manner and assist the Church, more ably than ever, to continue its service to the community.</p> <p>We consider the adoption of the Planning Proposal will add considerably to the amenity of the civic precinct of Hurstville and enhance the visual amendments of MacMahon Street and in turn benefit the reputation and stature of the Georges River Council area.</p> <p>We commend the adoption of the Proposal.</p>	Support noted.
9	Toomey Pegg 21/12/16	<p>The Submission acknowledges Toomey Pegg act for Usjust Pty Limited a property owner at Penshurst within the Georges River Local Government Area. We are instructed:</p> <p>a) the above Planning Proposal has been advertised by Council;</p> <p>b) the Planning Proposal is intended to facilitate amendments sought to the Hurstville LEP 2012 in</p>	Support noted.

	Name	Summary of Submission	Response
		<p>relation to 29-31 MacMahon Street, Hurstville;</p> <p>c) our client considers the adoption of the Planning Proposal will add considerable to the amenity of the civic precinct of Hurstville, enhance the MacMahon Street streetscape in turn benefit the reputation and stature of the Georges River Council area. It is a proposal which is entirely consistent with the adjoining properties and the broader vision for the City that Council has demonstrated by the developments it has approved; and</p> <p>d) our client supports the adoption of the Proposal.</p>	
10	Toomey Pegg 21/12/16	<p>We note the above Planning Proposal has been advertised by Council.</p> <p>We are aware Hurstville Church of Christ, for nearly 110 years, has been serving, and contributing to, the people of Hurstville in many, many ways and countless people have benefited as a result.</p> <p>We note the Planning Proposal is intended to facilitate amendments sought to the Hurstville LEP 2012 in relation to 29-31 MacMahon Street, Hurstville.</p> <p>I consider the adoption of the Planning Proposal will add considerable to the amenity of the civic precinct of Hurstville, enhance the MacMahon Street streetscape in turn benefit the reputation and stature of the Georges River Council area. It is a proposal which is entirely consistent with the adjoining properties and the broader vision for the City that Council has demonstrated by the developments it has approved.</p> <p>We commend the adoption of the Proposal.</p>	Support noted.
11	Stephen Toomey 21/12/16	<p>I note the above Planning Proposal has been advertised by Council.</p> <p>I am aware Hurstville Church of Christ, for nearly 110 years, has been serving, and contributing to, the people of Hurstville in many, many ways and countless people have benefited as a result.</p> <p>I note the Planning Proposal is intended to facilitate amendments sought to the Hurstville LEP 2012 in relation to 29-31 MacMahon Street, Hurstville.</p> <p>I consider the adoption of the Planning Proposal will add considerably to the amenity of the civic precinct of Hurstville , enhance the MacMahon Street streetscape in turn benefit the reputation and stature of the Georges River Council area. It is a proposal which is entirely consistent with the adjoining properties and the broader vision for the City that Council has demonstrated by the developments it has approved.</p>	Support noted.



	Name	Summary of Submission	Response
		As a resident of your local government area I commend the adoption of the Proposal.	

## St George Design Review Panel

Georges River

### REPORT OF THE ST GEORGE DESIGN REVIEW PANEL

Meeting held on Thursday, 9 February 2017 at Georges River Council (Kogarah Offices)

Deena Ridenour (Architect)  
Prof Peter Webber (Architect)  
Libby Gallagher (Landscape Architect)

### ITEM 3

Date of Panel Assessment:	9 February 2017
Applicant:	KPoint Investments Pty Ltd
Architect:	Kennedy Associates Architects
Property Address:	29-31 MacMahon Street, Hurstville
Description:	<p>The revised Planning Proposal includes amendments to the Hurstville LEP 2012 (as recommended by the JRPP and in the Gateway Determination):</p> <ul style="list-style-type: none"><li>Increasing the height from 40m to 50m (approx. 15 storeys)</li></ul> <p>Increasing the maximum FSR from 4.5:1 to 5.5:1 (including a minimum non-residential FSR of 0.5:1)</p>
No. of Buildings:	One (1)
No. of Storeys:	Approximately 15 storeys
No. of Units:	67 apartments (5,398m <sup>2</sup> ): 26 x 1 bedroom units, 19 x 2 bedroom units and 22 x 3 bedroom units
Consent Authority Responsible:	Georges River Council
Application No.:	PP2014/0003 (14/1818)
Declaration of Conflict of Interest:	Nil

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
<p><b>Context and Neighbourhood Character</b></p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>Revised planning proposal includes amendments to Hurstville LEP 2012 to increase height from 40 to 50 metres and the floor space ratio from 4.5:1 to 5.5:1. JRPP has supported these amendments in the gateway determination. Council has asked the Panel to review the proposal and provide independent design advice to inform the next steps of the project.</p> <p>The proposal aims to demonstrate achievement of the proposed height and FSR with building envelopes and indicative floor plans.</p> <p><u>The Panel raises the following key Issues:</u></p> <ul style="list-style-type: none"> <li>Proposed massing as an alternative to Council's DCP envelop is generally supported. It improves solar access to surrounding properties and provides a view corridor across and from within the courtyard to MacMahon Street. However the additional height along the western boundary above the height of the existing building to the south (corner of Woodville Street and Barrett???MacMahon Street) has not been adequately justified, particularly in relationship to views for neighbouring properties.</li> <li>The proposed density of 5.75:1 is above that recommended by the JRPP and is not supported (5.5:1). This would be some 5% above the already substantial increase supported by the JRPP, and cannot be justified. The indicative floor plate includes a light well and an open corridor which does not appear to be counted as floor space. This loss of floor space within the envelop results in an increase in FSR. The distribution of floor space, number of storeys and view lost should be reviewed in design development of a future DA. This may be an opportunity to reduce the building envelope/height.</li> <li>The relationship to heritage building and street edge is critical. The building has a blank facade setback from the side boundary and a fence separating the two properties. This condition will be highly visible along the street and as an edge to the proposed forecourt and is not supported in its current form. The inclusion of a forecourt, its interface with the heritage building needs further resolution and should be considered in relation to the entire street. The Panel is not yet convinced that a forecourt is an appropriate response along the street and notes that the space does not have the same legibility and connectivity to a through site link as the forecourt space to the east of the fire station.</li> <li>The proposed two storey datum and scale to MacMahon Street is supported, and it may be preferable to extend a 'podium' building of this height along the full frontage – in sympathy with the scale of the heritage building – rather than having a small courtyard adjoining it and exposing its blank side wall.</li> <li>Impacts on the proposed open space on other side of street should be demonstrated.</li> <li>The height of the tallest component in the massing of the proposed development appears to be approximately 55 metres and 16 storeys– 5 metres higher than the JRPP recommendation, and some 2 to 3 storeys above the two existing neighbouring high-rise buildings (at 18-22 Woodville Street &amp; 23-27 McMahon Street). This is not supported. The subject development is primarily residential and should be consistent in height with its neighbours.</li> </ul>
<b>Built Form and Scale</b>	Refer to above Context.

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	
<p><b>Density</b></p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The FSR should comply with the maximum of 5.5:1. The Planning Proposal as submitted seeks to justify an FSR of 5.75:1, some 5% in excess of the JRPP and Gateway recommendation. This cannot be supported.</p>
<p><b>Sustainability</b></p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>Subject to future design. The proposal demonstrates solar access to adjacent buildings and that the proposed envelopes can facilitate solar access and cross ventilation as per the ADG.</p>
<p><b>Landscape</b></p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p>	<p>Subject to future design.</p> <p>The streetscape along MacMahon Street and opportunities for future street trees will need to be addressed.</p> <p>The role and usefulness of the proposed forecourt including interface with the streetscape, building entry and ground floor use.</p> <p>Communal open space on Level 1 will need to address the following at the next stage of design:</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
<p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<ul style="list-style-type: none"> <li>• Interface with adjoining podiums levels.</li> <li>• Adequate soil depth to support tree planting to contribute to outlook and privacy between properties.</li> </ul>
<p><b>Amenity</b></p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>Subject to future design.</p>
<p><b>Safety</b></p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>Subject to future design.</p> <p>The configuration/depth and activation of any forecourt will be an important consideration.</p>
<p><b>Housing Diversity and Social Interaction</b></p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments</p>	<p>Subject to future design.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
<p>respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	
<p><b>Aesthetics</b></p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>Subject to future design. Views along the street showing how the building fits within the streetscape and creates a backdrop to the fire station will be important. Views</p>

#### RECOMMENDATION

- The Panel considers that in principle the proposed building form is preferable to the envelope indicated in the former DCP, and supports this change. However it does not support the exceedance of floor space ratio or height above the JRPP recommendation. If the FSR is reduced as recommended above by the Panel, the area removed could approximately equate to the top three levels of the tallest part of the proposed building form. With this reduction the building height would then be similar to that of the neighbouring tall buildings, resulting in a more equitable and urbane outcome. Further design resolution as part of the DA process is required and the proposal should be referred to the Panel for consideration at that time.

## REPORT TO GEORGES RIVER COUNCIL IHAP MEETING OF THURSDAY, 23 MARCH 2017

<b>IHAP Report No</b>	<b>3.4</b>	<b>Application No</b>	<b>PP2015/0004</b>
<b>Site Address &amp; Ward Locality</b>	34 Coreen Avenue, Peakhurst Peakhurst Ward		
<b>Proposal</b>	Reclassification of a part of 34 Coreen Avenue, Peakhurst		
<b>Report Author/s</b>	Independent Assessment, Consultant Planner		
<b>Owners</b>	Georges River Council		
<b>Applicant</b>	Georges River Council		
<b>Zoning</b>	R2 Low Density Residential, Hurstville LEP 2012		
<b>Date Of Lodgement</b>	8/10/2015		
<b>Submissions</b>	No submissions received to the public exhibition. One (1) submission received at the Public Hearing and two (2) verbal support provided at the Public Hearing		
<b>Cost of Works</b>	N/A		
<b>Reason for Referral to IHAP</b>	Reclassification of Land and amendment of Schedule 4 of Hurstville LEP 2012 – Report following Public Exhibition and Public Hearing		

<b>Recommendation</b>	<p>That the Georges River IHAP note the following:</p> <ul style="list-style-type: none"> <li>a. The public exhibition of the Planning Proposal PP2015/0004;</li> <li>b. The Public Hearing conducted in relation to the Planning Proposal PP2015/0004 and accompanying Public Hearing Report and;</li> <li>c. The submissions received at the Public Hearing.</li> </ul> <p>That the amendment to the Hurstville Local Environmental Plan (LEP) 2012 to reclassify part of 34 Coreen Avenue, Peakhurst (Part of Lot 18 DP 31882) from Community Land to Operational Land under the <i>Local Government Act 1993</i> and the associated update of Schedule 4 of Hurstville LEP 2012 be supported.</p> <p>That a report to Council be prepared to advise of the IHAP recommendations and request Council to support the Planning Proposal and the finalisation of the draft amendment to the Hurstville Local Environmental Plan 2012 in accordance with Section 59 of the <i>Environmental Planning and Assessment Act, 1979</i>.</p>
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## Site Plan



Figure 1: Site (bounded in yellow) and surrounding land (Source: Nearmap)

## Executive Summary

1. The former Hurstville City Council received a Planning Proposal (PP2015/0004) from Council's Commercial Property Section on 8 October 2015 to reclassify a part of 34 Coreen Avenue, Peakhurst from community to operational land under the *Local Government Act 1993*.
2. The former Hurstville City Council, at its meeting on 4 May 2016, considered a report on a Planning Proposal (PP2015/0004) for No. 34 Coreen Avenue, Peakhurst and resolved to support the forwarding of the Planning Proposal to the Department of Planning and Environment ("Department") for a Gateway determination.
3. The Department issued a Gateway determination on 12 August 2016. In accordance with the Gateway determination, Council exhibited the Planning Proposal from 14 September to 14 October 2016 and no submissions were received to the public exhibition.
4. In accordance with Section 29 of the *Local Government Act 1993* ("LG Act"), a Public Hearing was held on 22 February 2017. Two members of the public attended the Public Hearing and one submission objecting to the reclassification was received.



5. This report recommends that the IHAP support the changes to the Hurstville LEP 2012 for part of 34 Coreen Avenue, Peakhurst as exhibited to reclassify part of 34 Coreen Avenue, Peakhurst (Part of Lot 18 DP 31882) from Community Land to Operational Land under the LG Act 1993 as shown in **Attachment 1** including an update to Schedule 4 of the Hurstville LEP 2012 to reflect the change in classification.
6. Subject to the IHAP supporting the report recommendations, a separate report will be prepared for the next Georges River Council meeting to advise the outcomes and recommendations of this IHAP meeting and request Council resolve to support the Planning Proposal and the finalisation of the draft amendment to the Hurstville LEP 2012 in accordance with Section 59 of the *Environmental Planning and Assessment Act, 1979* (“EP&A Act”).

## Report in Full

### Background

7. The land at 34 Coreen Avenue, Peakhurst was originally acquired by Council prior to 1960 as part of the overall subdivision of land and at that time was provided for the purpose of a reserve. In October 1960, the Council reserve was subsequently bisected by a road forming part of the further subdivision of surrounding land. The resultant subdivision of 34 Coreen Avenue caused the single title (Lot 18 DP 31882) to be separated into two (2) parts as they exist today (refer **Figure 1** on the following page).
8. The former Hurstville City Council received a Planning Proposal (PP2015/0004) from Council’s Commercial Property Section on 8 October 2015 to reclassify a part of 34 Coreen Avenue, Peakhurst from community land to operational land under the LG Act. No change is proposed to any other development standards, including the land zoning, the minimum lot size, maximum building height and maximum FSR controls.
9. A Development Application (DA2015/0285) to subdivide 34 Coreen Avenue, Peakhurst (Lot 18 DP 31882) into two (2) allotments (one for each part separated by Coreen Avenue) was submitted by Harrison Friedmann & Associates Pty Ltd on 10 October 2015. The DA was approved by Council on 22 September 2016. A subdivision certificate has not been issued at the time of preparing this report.
10. The former Hurstville City Council, at its meeting on 4 May 2016, considered a report on a Planning Proposal (PP2015/0004) for No. 34 Coreen Avenue, Peakhurst and resolved to support the forwarding of the Planning Proposal to the Department for a Gateway determination.
11. The Department issued a Gateway determination on 12 August 2016 which included the following key conditions:
  - a. A minimum 28 days consultation
  - b. Finalisation of the Planning Proposal by 19 May 2017

In addition, the Gateway determination noted that whilst a Public Hearing is not required to be held under section 56(2)(e) of the EP&A Act, the Gateway determination does not discharge Council from any obligation it may otherwise have

to conduct a Public Hearing (for example, in response to a submission or if reclassifying land).

12. No submissions were received during the public exhibition of the Planning Proposal requesting a Public Hearing.
13. A Public Hearing is required to be held under section 29 of the LG Act for the reclassification of land. The Public Hearing was held on 22 February 2017.

### **Subject Site**

14. The site comprises the two (2) parts of Lot 18 DP 31882, known as 34 Coreen Avenue, Peakhurst. The northern part of Lot 18 (being the land the subject of this Planning Proposal) has an area of 45.4m<sup>2</sup> and the southern part of Lot 18 has an area of 446.2m<sup>2</sup>. The site has a total area of 491.4m<sup>2</sup>.
15. Both portions of the site are undeveloped. The larger portion is cleared of vegetation and comprises only grass covering.
16. The smaller portion (the subject of this Planning Proposal) generally comprises a low retaining wall constructed with the road corridor; however the north-western portion of the parcel has been fenced into the adjoining residential property (31 Coreen Avenue).
17. The site is shown in Figure 1 below. The extent to which the site has been fenced into 31 Coreen Avenue is shown in Figure 2 below.



Figure 1: Site (bounded in yellow) and surrounding land (Source: Nearmap)



Figure 2: Portion of site enclosed into neighbouring property (bounded in yellow) (Source: Nearmap)

18. Figures 3 and 4 are photographs illustrate the parcel of land proposed to be reclassified.





Figure 3: The land to be reclassified is the small portion of land on the right hand side of the photograph



*Figure 4: The land to be reclassified is the narrow strip of land between the retaining wall and fence and also includes a portion of land behind the red brick retaining wall*

19. The site has no additional history to that discussed under “Background” above. The site is not subject to any covenants, agreements, or trusts.

## **Surrounding Land**

20. The site is located within a low density residential subdivision which has generally retained its low density character. However the locality is beginning to comprise medium density residential developments, in particular along the Forest Road corridor.
21. To the north, the site adjoins low density residential properties which front Forest Road.
22. To the west, the site adjoins 31 Coreen Avenue, being a two storey residential dwelling. Low density residential development extends further to the west beyond.
23. To the south, the site adjoins low density residential development.
24. To the east, the site adjoins a medium density residential development bound by Coreen Avenue, Mavis Avenue and Forest Road. Low density residential development extends further to the east beyond.

### Current Planning Controls

25. The Hurstville LEP 2012 applies to the Subject Site. The following provisions are relevant to the Planning Proposal, extracts of which are shown in the figures below:
  - Land zoning: R2 Low density Residential
  - Height: 9m
  - FSR: 0.6:1
  - Minimum Lot Size: 450sqm



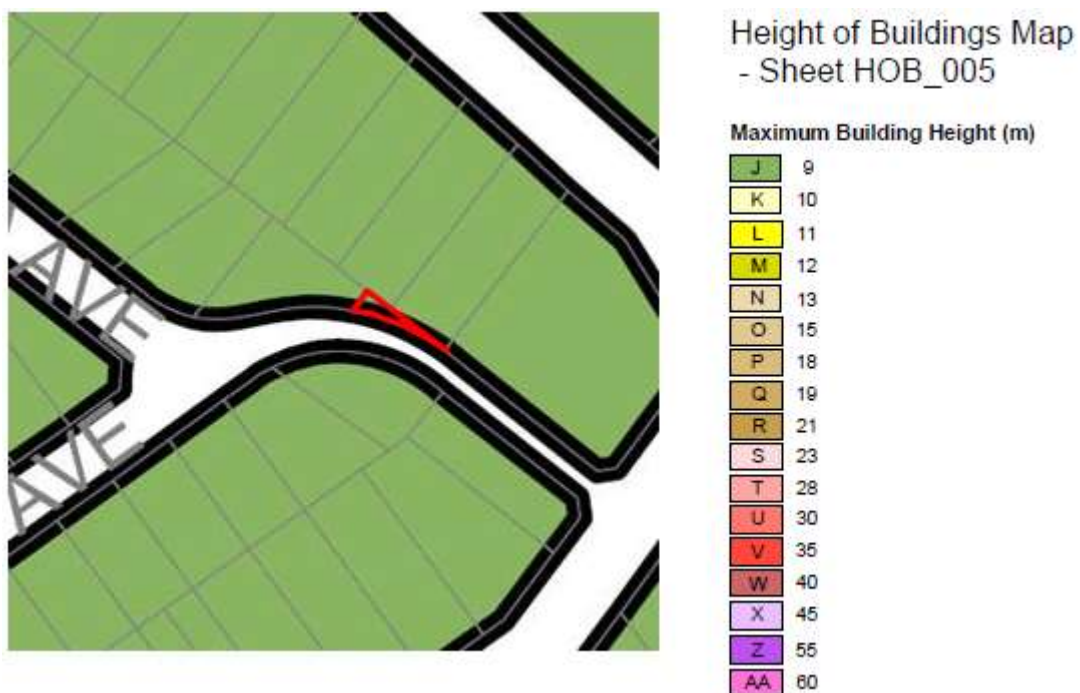
Land Zoning Map  
- Sheet LZN\_005

#### Zone

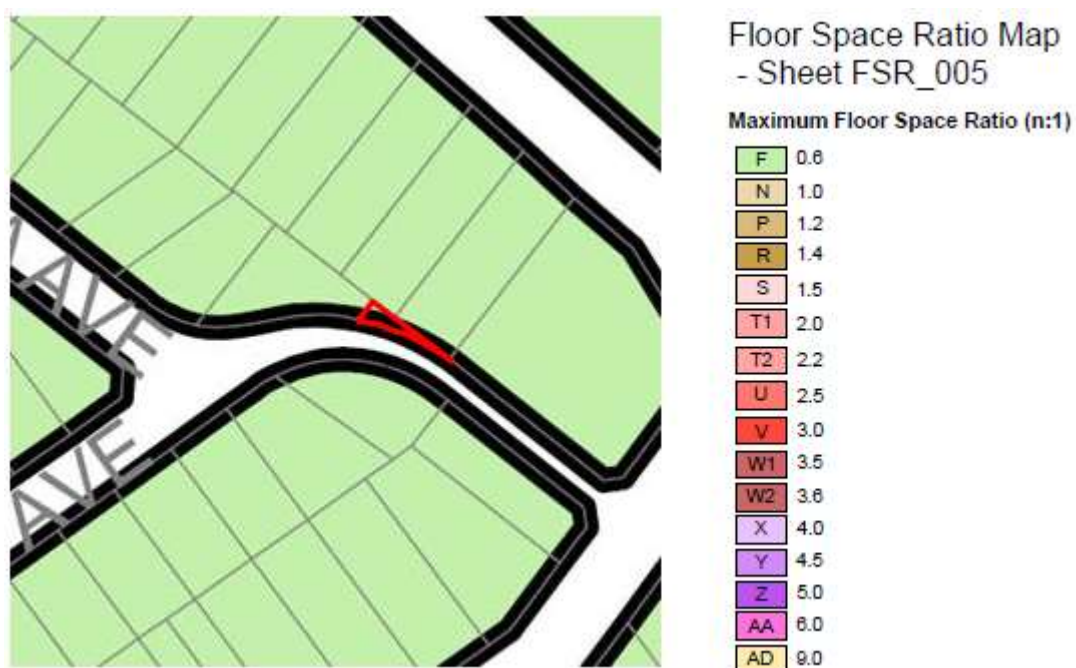
B1	Neighbourhood Centre
B2	Local Centre
B3	Commercial Core
B4	Mixed Use
E1	National Parks and Nature Reserves
IN2	Light Industrial
R2	Low Density Residential
R3	Medium Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP2	Infrastructure
W2	Recreational Waterways

Land Zoning: The site is zoned R2 Low Density Residential





Height of Building: The site is subject to a maximum building height of 9m.



Floor Space Ratio: The site is subject to a maximum floor space ratio of 0.6:1.



Minimum Lot Size: The site is subject to a minimum lot size of 450m<sup>2</sup>.

### Public Exhibition of Planning Proposal

26. The Planning Proposal was publicly exhibited from 14 September to 14 October 2016 and no submissions were received.
27. The notification for the public exhibition included statutory notice in the St George and Sutherland Shire Leader Newspaper (14 September 2016), dedicated pages on Council's website (under Public Notices), displays in Council's Customer Service Centre and libraries, including the public exhibition information, the Planning Proposal and appendices, relevant existing and proposed Hurstville LEP Maps, other legislative documents and information (including SEPPs and s117 Directions compliance tables, Department's guide to preparing Planning Proposals, LEP Practice Note PN 09-003, on Classification and Reclassification of Community land to Operational land and DLG's Practice Note on Public Land Management, May 2000).

### Public Hearing into reclassification of Council owned land

28. In accordance with section 29 of the *Local Government Act 1993*, Council must arrange a public hearing under section 57 of the EP&A Act; where it is proposed to reclassify community land to operational land. A Public Hearing regarding reclassification of public land is required to be held after the close of the exhibition period under section 57 of the EP&A Act.
29. Notification of the Public Hearing was published in the Sutherland Shire Leader Newspaper on 1 February 2017 (i.e. more than 21 days prior to the Public Hearing date) and again in the Sutherland Shire Leader Newspaper on 15 February 2017.
30. The Public Hearing was held on Wednesday, 22 February 2017 in the Kogarah Council Chambers.
31. The Public Hearing was independently chaired by Mr Michael McMahon from M.E. McMahon & Associates. Two members of the public attended the meeting and gave



verbal support. One written submission was received objecting to the reclassification. The submission is considered below and in the Public Hearing Report attached at **Attachments 2 and 3**.

32. The Public Hearing report documents that due process has been followed. The Public Hearing report also documents the submission received. The submission raises concerns about the potential for the sale and development of the large parcel of land that is not proposed to be reclassified. That parcel will retain its 'community land' classification. The writer also makes reference to the other side of the lane which is the narrow strip of land proposed to be reclassified from community land to operational land and raises concerns about the intention for the narrow strip of land to facilitate an entry and exit for a new dwelling on the adjoining Forest Road properties.
33. The narrow strip of land serves no public purpose and the better planning outcome is to incorporate that land into the adjoining residential properties. This will provide frontage to the Forest Road properties. This report cannot pre-empt how that land might be used, and any future dwelling and vehicular access would be the subject of separate assessment processes.
34. The Public Hearing report confirms that there are no interests over the subject land (e.g. rights or privileges such as leases, easements, covenants and mortgages) that need to be discharged.
35. The Public Hearing report concludes that the subject land (being part of Lot 18 DP 31882) is vested in Council and given the small size of the land it could not easily be regarded as having any special community significance. The Public Hearing report also notes that there are no public submissions that would justify a finding against the reclassification from community to operational land and therefore concludes that Council would be justified in proceeding with the Planning Proposal.
36. The Public Hearing report also has regard to the legal history of the land and concludes that the description of the land should be inserted into Part 1 of Schedule 4 which has been set out below for clarity.

#### **Part 1 Land classified, or reclassified, as operational land—no interests changed**

##### **Column 1**

##### **Locality**

Peakhurst

##### **Column 2**

##### **Description**

Part Lot 18 DP 31882 identified as operational land on the Land Reclassification Map.

#### **Conclusion and Next Steps**

37. This report recommends that the IHAP support the following proposed changes to the Hurstville LEP 2012 for part of 34 Coreen Avenue, Peakhurst as exhibited to:
  - Reclassify part of 34 Coreen Avenue, Peakhurst (Part of Lot 18 DP 31882) from Community Land to Operational Land under the *Local Government Act 1993* (Attachment 1); and

- Update Part 1 of Schedule 4 of Hurstville LEP 2012 to record the land that is to be reclassified.
38. If the IHAP supports the report recommendations, a separate report will be prepared for the next Georges River Council meeting (April 2017) to advise the outcomes and recommendations of this IHAP meeting and request Council resolve to support the Planning Proposal and the finalisation of the draft amendment to the Hurstville Local Environmental Plan 2012 in accordance with Section 59 of the *Environmental Planning and Assessment Act, 1979*.
39. Subject to the IHAP consideration and support of the Planning Proposal, the next steps include:
- 3 April 2017 – Council consideration
  - April 2017 – Subject to Council resolution, a report under s58 of the EP&A Act will be provided to the Department advising of Council's resolution and requesting that the draft Hurstville LEP 2012 be finalised

### **Operational Plan Budget**

40. Council staff have advised the author of this report that the project is within budget allocation.

### **ATTACHMENTS**

- Attachment [View1](#) Proposed Land Reclassification Map
- Attachment [View2](#) Public Hearing Report including attachments
- Attachment [View3](#) Attachment 3 to Public Hearing Report

### Planning Proposal - Location Map Part of 34 Coreen Avenue, Peakhurst

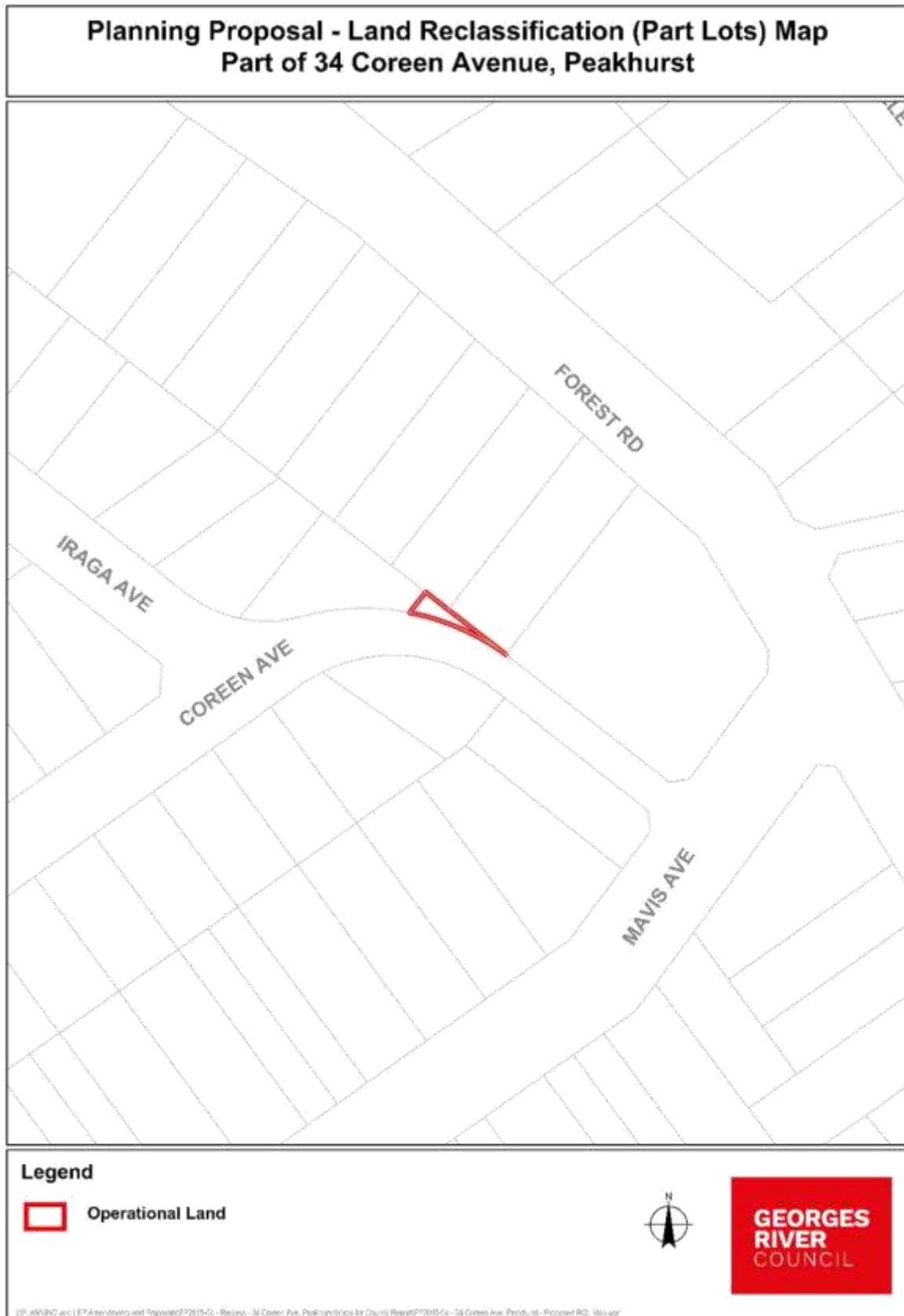


#### Legend



Subject Site - Part 34 Coreen Ave (Part Lot 18 DP 31882)







**Report on the public hearing on the Planning Proposal to amend  
Hurstville Local Environmental Plan 2012 – Reclassification of  
land at the northern side of part of 34 Coreen Avenue, Peakhurst  
having an area of approximately 45 square metres.**

**Index**

<b>1. The Council resolutions</b>	<b>1</b>
<b>2. The Statutory and the Department's requirements</b>	<b>1</b>
<b>3. Local Paper notification</b>	<b>3</b>
<b>4. Planning Proposal</b>	<b>3</b>
<b>5. Public Submissions</b>	<b>3</b>
<b>6. Author of this report</b>	<b>4</b>
<b>7. Consideration of the proposed reclassification of The Land</b>	<b>4</b>
<b>8. Observations on the legal history of The Land</b>	<b>5</b>
<b>9. Clause 5.2 of the Hurstville LEP 2012</b>	<b>6</b>
<b>10. Conclusion</b>	<b>7</b>

**1. The Council resolutions:**

Hurstville Council at its meeting on 17 December, 2014 in the Committee of the Whole (COW109-14) considered a report on this matter and resolved *"that Council prepares the land for sale and a report come back to Council."*

The Planning Proposal (PP2015/0004) to reclassify a part of 34 Coreen Avenue, Peakhurst from Community to Operational Land under the Local Government Act 1993, having an area of 45.4 square metres (The Land) was submitted by Council's Commercial property Section on 8 October, 2015.

Hurstville Council resolved at its meeting on 4 May 2016, to:

*"support the forwarding of the Planning Proposal (PP2015/0004) to the Department of Planning and Environment to request a Gateway Approval to reclassify a part of 34 Coreen Avenue, Peakhurst (Lot 8 DP31882) from Community Land to Operational Land under the Local Government Act 1993".*

A Development Application (DA2015/0285) to subdivide 34 Coreen Avenue, Peakhurst into two (2) allotments (one for each part separated by Coreen Avenue) was submitted by Harrison Friedmann & Associates Pty Ltd on 10 October 2015 and is currently being assessed.

**2. The Statutory and the Department's requirements:**

**The Local Government Act, 1993 provides:**

**29 Public hearing into reclassification**

(1) A council must arrange a public hearing under section 57 of the *Environmental Planning and Assessment Act 1979* in respect of a planning proposal under Part 3 of that Act to reclassify community land as operational land, unless a public hearing has already been held in respect of the same matter as a result of a determination under section 56 (2) (e) of that Act.

(2) A council must, before making any resolution under section 32, arrange a public hearing in respect of any proposal to reclassify land as operational land by such a resolution.

**Section 57 of the *Environmental Planning and Assessment Act 1979* provides:**

**“57 Community consultation**

(1) A council must arrange a public hearing under section 57 of the *Environmental Planning and Assessment Act 1979* in respect of a planning proposal under Part 3 of that Act proposal in a draft local environmental plan to reclassify community land as operational land as if it had received and decided to deal with a submission as referred to in that section that the land be so reclassified.

(2) A council must, before making any resolution under section 32, arrange a public hearing in respect of any proposal to reclassify land as operational land by such a resolution.”

**Section 57 of the *Environmental Planning and Assessment Act 1979* provides:**

**57 Community consultation**

(1) Before consideration is given to the making of a local environmental plan, the relevant planning authority must consult the community in accordance with the community consultation requirements for the proposed instrument.

(2) The planning proposal (as revised to comply with the determination under section 56 and in a form approved by the Secretary) is to be made publicly available during the period of community consultation. Detailed provisions may be summarised instead of being set out in full if the Secretary is satisfied that the summary provides sufficient details for community consultation.

(3) During the period of community consultation, any person may make a written submission to the relevant planning authority concerning the matter (other than any matter that is mandatory under an applicable standard instrument under section 33A).

(4) The relevant planning authority may (but need not) make publicly available, in accordance with the community consultation requirements, the submissions made concerning a matter (or a summary of or report on any such submissions).

(5) If:

(a) a person making a submission so requests, and

(b) the relevant planning authority considers that the issues raised in a submission are of such significance that they should be the subject of a hearing,

the relevant planning authority is to arrange a public hearing on the issues raised in the submission.

(6) The relevant planning authority may arrange a public hearing on any issue whether or not a person has made a submission concerning the matter.

(7) A report of any public hearing is to be furnished to the relevant planning authority and may be made publicly available by that authority.

(8) The consultation required by this section is completed when the relevant planning authority has considered any submissions made concerning the proposed instrument and the report of any public hearing.

In the Department of Planning & Environment LEP practice note (PN 16-001) issued 5 October, 2016 (which supersedes PN 09-003) (**Attachment 1**) it contained Attachment 1 – Information Checklist for proposals to classify or reclassify public land through an LEP.

### **3. Notification of the intention to hold a public hearing.**

A copy of the advertisement in the Local Paper giving notice of intention to hold the public hearing is attached (**Attachment 2**) (the Leader of 1 February, 2017).

### **4. Planning proposal to amend Hurstville Council Local Environmental Plan 2012- Reclassification of land identified as Part Lot 18 in DP31882 at No. 34 Coreen Avenue, Peakhurst, forming part of the Council-owned land known as Coreen Avenue Reserve (the site).**

**Attachment 3** is the Planning Proposal prepared by Outline Planning Consultants Pty Ltd dated September, 2015.

It is noted that the LEP practice note in Attachment 1 superseded PN 09-003 on 5<sup>th</sup> October, 2016. On page 5 of the Planning Consultant's report they acknowledged that their report was based on PN 09-003 as well as *A Guide to Preparing Planning Proposals (October 2012)* and *A Guide to preparing Local Environmental Plans (April 2013)*. The end result is consistent with the result that would have been achieved if the replacement practice note had been used. The effect of the new practice note is an acknowledgment that its purpose is to update guidance and it includes a comprehensive information checklist. There do not appear to be any deficiencies in the information in the report but if there are any they can be completed and forwarded to the Department with this report.

### **5. Public Submissions.**

There was one submission received from a person who said "I request my personal details suppressed (sic)". The text of that submission was:

**"TO WHOM IT MAY CONCERN**

**RE 34 COREEN AVE PEAKHURST.**

My motto is, if its not broke, don't fix it.

This lovely parcel of land has been GREEN for many years under public garden and recreation space and should remain so. Council many years ago was going to turn it into a "Garden", still waiting!! What about a community veggie garden, with so many Chinese now moving into area sure they would appreciate this..

We definitely do not need development on such a small area. Extra traffic would create more congestion in Iraga lane, hard enough now trying to get past an oncoming vehicle. One suggestion is to remove the curve in the park and widen this portion so at least you can move over when faced with on coming vehicle let alone a huge truck.

Should existing neighbors apply to purchase the land but to be kept as 'green space' or even off street parking with the stipulation that when sold it cant be built on. Definitely don't want developers getting there hands on it. Enough is enough!!

In regards to the other side of lane if this is the intention to be an entry and exit driveway for a new dwelling on forest rd.. Well forget that too... Same reasons, Iraga lane is too narrow, its a speedway and we now have lots of families moving into the area with children who walk this way to school.."

It is noted that two local landowners attended the public hearing and gave verbal support to the reclassification.

## **6. Author of this report.**

Michael McMahon (the author) is a solicitor with specialist accreditation in Planning and Environment Law and he has experience in acting both for and against councils. He conducts a private practice from Kiama Downs. He has been given freedom by Georges River Council to conduct this public hearing and report his findings arising from the public hearing.

## **7. Consideration of the proposed re-classification of The Land.**

The primary purpose of the public hearing was to consider submissions on whether the proposed classification of the land as "operational" land via an amendment to the Local Environmental Plan should proceed. The author visited the site before the hearing and observed that there was a large eucalypt tree growing in the land behind the fence at 605 Forest Road. The roots from that tree and possibly others have caused the low retaining wall to on the site to collapse and both the timber paling fence and colourbond fence with the retaining wall below it to be leaning over. Photographs taken on the site inspection are (Attachments 4 and 5)

The written submission could not have been referring to the site but would have been referring to the main part of the land which will continue to be community land under this proposal. That land is part of the Generic Plan of Management of council on 27 June, 2007.

The only part of the written submission that might be relevant is:

"In regards to the other side of lane if this is the intention to be an entry and exit driveway for a new dwelling on forest rd.. Well forget that too... Same reasons, Iraga lane is too narrow, its a speedway and we now have lots of families moving into the area with children who walk this way to school".



## 8. Observations on the legal history of The Land.

To try and find the answer to the whether Lot 18 in Deposited Plan 31882 includes Coreen Avenue we attach a copy of the search of DP 666657 (**Attachment 6**). It reveals that the land being transferred was land "shewn as 'public Garden and Recreation Space' on plan lodged for registration under dealing H63614" (**Attachment 7**).

The Council of the Municipality of Hurstville became the registered proprietor of "Lot 18 in DP31882". On page 2 there is a Note "It is intended to dedicate Coreen Ave. and Iruga Ave. to the Public". This was the practice in 1960 (before the automatic vesting now under section 88B of the *Conveyancing Act, 1919*). The vinculum (the S shape) on each side of Coreen Avenue indicates that Lot 18 is in two parts on each side of the newly dedicated road.

Section 50 of the *Local government Act, 1993* provides:

**"50 Public garden and recreation space and drainage reserves provided for in subdivisions approved before 15.6.1964**

(1) This section applies to a subdivision of land the plan of which was approved by the council:

- in the case of public garden and recreation space-before 15 June 1964
- in the case of drainage reserves-after 24 November 1922 and before 15 June 1964.

**Note :** 15 June 1964 is the date of commencement of the *Local Government and Conveyancing (Amendment) Act 1964* . 24 November 1922 is the date of commencement of the *Local Government (Validation and Amendment) Act 1922* .

(2) If a subdivision made provision for public garden and recreation space, the council may direct:

- (a) that the space be conveyed or transferred to the council, or
- (b) because the space is adjacent to land reserved or dedicated for the purpose of public recreation under the *Crown Lands Act 1989* or to a public park that is not vested in the council, that the space be surrendered to the Crown.

Public garden and recreation space surrendered to the Crown is taken to be Crown land.

(3) If a subdivision made provision for a drainage reserve, the council may direct that the reserve be conveyed or transferred to the council.

(4) Instead of directing that land be conveyed or transferred to it, the council may publish a notice in the Gazette notifying that the land is vested in it.

(5) On publication of the notice, the land vests in the council for an estate in fee simple and is taken:

- in the case of public garden and recreation space-to be dedicated as a public reserve
- in the case of drainage reserves-to be held by the council for drainage purposes.

(6) When creating a folio of the Register under the *Real Property Act 1900* for public garden and recreation space vested in the council under this section, the Registrar-General must record in the folio, by reference to this section or otherwise, that the land is dedicated as a public reserve."

The title search for Lot 18 in DP31882 (**Attachment 8**) shows The Council of the Municipality of Hurstville as the registered proprietor. That is consistent with attachment 6, referred to above. The Registrar General has not recorded in the folio that the land is dedicated as a public reserve. It appears that the land has become vested in the council by Attachment 8 via attachments 6 and 7 but there has been no Gazette notification under section 50 (4) which would then trigger subsections (5) and (6).

## 9. Clause 5.2 of the Hurstville Local Environmental Plan 2012

Clause 5.2 provides (relevant parts in bold):

### **“5.2 Classification and reclassification of public land**

(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the Local Government Act 1993.

Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the Local Government Act 1993. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

**(2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the Local Government Act 1993.**

(3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the Local Government Act 1993.

**(4) The public land described in Part 1 of Schedule 4:**

(a) **does not cease to be a public reserve to the extent (if any) that it is a public reserve, and**  
 (b) **continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.**

(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and  
 (b) any reservations that except land out of the Crown grant relating to the land, and  
 (c) reservations of minerals (within the meaning of the Crown Lands Act 1989).

Note. In accordance with section 30 (2) of the Local Government Act 1993, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.”

Schedule 4 of the Hurstville LEP 2012 provides (relevant parts in bold):

### **“Schedule 4 Classification and reclassification of public land**

(Clause 5.2)

#### **Part 1 Land classified, or reclassified, as operational land—no interests changed**

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
Nil	

#### **Part 2 Land classified, or reclassified, as operational land—interests changed**

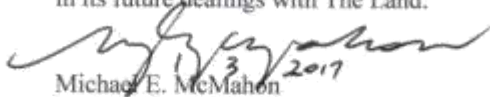
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged”</b>

Part 1 appears to be the appropriate part for this land to be inserted into in the circumstances.

## 10. Conclusion

I conclude that The Land is part of Lot 18 in DP 31882 and it is vested in the council. The Registrar General has not noted on the title that The Land and the remaining part of Lot 18 is dedicated as public reserve, however that is not fatal to the status of the land as community land. When attachments 4 and 5 are considered, being the photographs of The Land, because of its size (45 square metres) The Land could not easily be regarded as having any special community significance. In these circumstances and particularly when there were no public submissions that would justify a finding against the proposal I conclude that council would be justified in proceeding with the planning proposal.

The result will be that if The Land becomes operational the council will have more flexibility in its future dealings with The Land.



Michael E. McMahon

Chair of the Public Meeting on 22<sup>nd</sup> February, 2017.

### Attachments:

1. Department of Planning and Environment Practice Note PN16-001
2. Local Paper notification
3. Planning Proposal
4. Photograph of The Land
5. Second photograph of The Land
6. DP666657
7. Dealing H636143
8. Certificate of title 18/31882



## LEP practice note

### LOCAL PLANNING

Ref No.	PN 16-001
Issued	5 October 2016
Related	Supersedes PN 09-003

## Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update guidance on classifying and reclassifying public land through a local environmental plan (LEP). This practice note emphasises the need for councils to demonstrate strategic and site specific merit, includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land. It should be read in conjunction with *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

### Classification of public land

Public land is managed under the *Local Government Act 1993* (LG Act) based on its classification. All public land must be classified as either community land or operational land (LG Act ss.25, 26).

- **Community land** – is land council makes available for use by the general public, for example, parks, reserves or sports grounds.
- **Operational land** – is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

#### What is public land?

*Public land* is defined in the LG Act as any land (including a *public reserve*) vested in, or under council control. Exceptions include a public road, land to which the *Crown Lands Act 1989* applies, a common, land subject to the *Trustees of Schools of Arts Enabling Act 1902* or a regional park under the *National Parks and Wildlife Act 1974*.

#### Why classify public land?

The purpose of classification is to identify clearly that land made available for use by the general public (community) and that land which need not (operational). How public land is classified determines the ease or difficulty a council can have dealings in public land, including its sale, leasing or licensing. It also provides for transparency in council's strategic asset management or disposal of public land.

Community land must not be sold, exchanged or otherwise disposed of by a council. It can be leased,

but there are restrictions on the grant of leases and licences, and also on the way community land can be used. A plan of management (PoM), adopted by council, is required for all community land, and details the specific uses and management of the land.

There are no special restrictions on council powers to manage, develop, dispose, or change the nature and use of operational land.

#### How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- council resolution under ss.31, 32, or 33 (through LG Act s.27(2)), or
- an LEP under the *Environmental Planning and Assessment Act* (through LG Act s.27(1)).

Councils are encouraged to classify or reclassify land by council resolution where suitable.

**Classification** of public land occurs when it is first acquired by a council and classified as either community or operational.

**Reclassification** of public land occurs when its classification is changed from community to operational, or from operational to community.



### Reclassification through an LEP

Classification and reclassification of public land through an LEP is subject to both the local planning process in the EP&A Act and the public land management requirements of the LG Act.

A planning proposal to classify or reclassify public land, will need to be prepared in accordance with this practice note and the additional matters specified in Attachment 1 to this practice note.

Reclassification through an LEP is the mechanism with which council can remove any public reserve status applying to land, as well as any interests affecting all or part of public land (LG Act s.30).

It is critical that all interests are identified upfront as part of any planning proposal. If public land is reclassified from community to operational, without relevant interests being identified and discharged, then the land will need to be reclassified back to community (usually by council resolution under LG Act s.33<sup>1</sup>) before being reclassified in a new planning proposal to operational, to explicitly discharge any interests.

While a reclassification proposal to remove the public reserve status of land and/or discharge interests may not necessarily result in the immediate sale or disposal of the land, the community should be aware the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational.

Councils should obtain their own advice when proposing to discharge any interests and be aware that this may attract a claim for compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Where land has been dedicated to council by a State agency for a particular purpose and a trust exists, it is advisable for council to seek the views of that agency prior to council commencing any planning proposal affecting the land.

**Public reserve** is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve.

Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as 'public reserve', or
- publishing a notification in the Government Gazette for an existing parcel.

**Interests in land** refers to property ownership as well as rights and privileges affecting land, such as leasehold, easements, covenants and mortgages.

For the purpose of reclassification through an LEP, 'interests' means trusts, estates, dedications, conditions, restrictions and covenants affecting the land.

A legal owner of land may not be the only person with an interest in the land. For example, one person may have the benefit of an easement for services, such as water, electricity or sewerage over someone else's land.

Certain interests are registered on title to ensure they are on record and cannot be disregarded if sold to a new owner. An electronic title search is generally conducted to determine the land owner, correct land description and the type of interests which may affect the land.

### Standard Instrument LEP requirements

Clause 5.2—Classification and reclassification of public land in Standard Instrument LEPs enables councils to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP.

Schedule 4 is not to refer to any land already classified or reclassified.

Where there is no public land to be classified, or reclassified, through a principal LEP (i.e. the LEP applies to the whole of a local government area), Schedule 4 will appear blank.

Note: At a later stage council may lodge a planning proposal to remove previous listings in Schedule 4. This will not affect the classification status of these parcels of land.

### Department assessment

A proposal to classify or reclassify public land through an LEP must have planning merit. The Department will undertake an assessment to determine whether the proposal demonstrates strategic and site specific merit.

### Community consultation

Planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

A copy of this practice note is to be included in the public exhibition materials.

<sup>1</sup> Note: Council is required to give public notice of the proposed resolution and provide a period of at least 28 days during which submissions may be made (LG Act s.34).

### Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised.

There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

### Governor's approval

The Governor's approval is required when a reclassification proposal seeks to remove any public reserve status and/or discharge any interests affecting public land (s.30).

When a council reports back to the Department on the community consultation undertaken and requests the Department make the LEP, the Department will arrange legal drafting of the LEP, including recommending the Governor approve the provisions before the LEP can be legally made.

Where the Governor's approval is required, the council's report accompanying the final planning proposal must address:

- council's interests in the land;
- whether the land is a 'public reserve';
- the effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status;
- the strategic and site specific merits of the reclassification and evidence to support this;
- any current use of the land, and whether uses are authorised or unauthorised;
- how funds obtained from any future sale of the land will be used;
- the dates the planning proposal was publicly exhibited and when the public hearing was held;
- issues raised in any relevant submissions made by public authorities and the community;
- an explanation of how written and verbal submissions were addressed or resolved; and
- the public hearing report and council resolution.

### Authorisation of delegation

Local plan making functions are now largely delegated to councils.

A Written Authorisation to Exercise Delegation is issued to a council as part of the Gateway determination. However, where an LEP requires the Governor's approval, this council delegation cannot be issued. In this instance, the council must request the Department make the LEP.

A decision to classify or reclassify public land cannot be sub-delegated by council to the general manager or any other person or body (LG Act s.377(1)(l)).

### Background

On July 1, 1993 when the LG Act commenced, the following land under council ownership or control, was automatically classified as *community* land:

- land comprising a public reserve,
- land subject to a trust for a public purpose,
- land dedicated as a condition of consent under s.94 of the EP&A Act,
- land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space,
- land controlled by council and vested in Corporation Sole - Minister administering the EP&A Act.

Councils must keep a register of land under their ownership or control (LG Act s.53) and anybody can apply to a council to obtain a certificate of classification (LG Act s.54).

### Further information

A copy of this practice note, *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* is available at:  
<http://www.planning.nsw.gov.au>

For further information, please contact the Department of Planning and Environment's Information Centre by one of the following:

Post: GPO Box 39, Sydney NSW 2001.

Tel: 1300 305 695

Email: [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)

**Authorised by:**  
**Carolyn McNally**  
**Secretary**

**Important note:** This practice note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this practice note.

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## ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*.

Importantly, *A guide to preparing local environmental plans* contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary's requirements are addressed.

Councils must also comply with any obligations under the LG Act when classifying or reclassifying public land. More information on this can be found in *Practice Note No. 1 - Public Land Management* (Department of Local Government, 2000).

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 55(a) – (e) of the EP&A Act (and further explained in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*).

- ☐ the current and proposed classification of the land;
- ☐ whether the land is a 'public reserve' (defined in the LG Act);
- ☐ the strategic and site specific merits of the reclassification and evidence to support this;
- ☐ whether the planning proposal is the result of a strategic study or report;
- ☐ whether the planning proposal is consistent with council's community plan or other local strategic plan;
- ☐ a summary of council's interests in the land, including:
  - how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)
  - if council does not own the land, the land owner's consent;
  - the nature of any trusts, dedications etc;
- ☐ whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- ☐ the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);
- ☐ evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);
- ☐ current use(s) of the land, and whether uses are authorised or unauthorised;
- ☐ current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
- ☐ current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);
- ☐ any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);
- ☐ how council may or will benefit financially, and how these funds will be used;
- ☐ how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;
- ☐ a Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and
- ☐ preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.



## GEORGES RIVER COUNCIL

HURSTVILLE SERVICE CENTRE  
MacMahon and Dora Streets, Hurstville

KOGARAH SERVICE CENTRE  
2 Belgrave Street, Kogarah

Postal address: PO Box 205, Hurstville NSW 1481  
9330 6400 | mail@georgesriver.nsw.gov.au | www.georgesriver.nsw.gov.au

### PUBLIC NOTICES

#### Upcoming Council Meeting

The next Georges River Council meeting will be held on Monday 6 March 2017 from 6:00pm at Kogarah Council Chambers, Level 2, 2 Belgrave St, Kogarah. For more information, see <http://www.georgesriver.nsw.gov.au/Council/Council-Meetings>.

#### Public Hearing for the Reclassification of Council Owned Land - Part of 34 Coreen Avenue, Peakhurst

In accordance with section 29(1) of the Local Government Act 1993, a Public Hearing into the proposed reclassification of part of 34 Coreen Avenue, Peakhurst (Part Lot 18 in DP 31862) from Community land to Operational land is being conducted.

The Public Hearing will be held on **Wednesday 22 February 2017** from 6:30pm to 7:30pm at Georges River Council, Kogarah Council Chambers, Level 2, 2 Belgrave Street, Kogarah.

The Public Hearing will be chaired by an independent person who will consider all written and verbal submissions made during the Public Hearing and prepare a report for Council.

Community consultation on the proposed reclassification was held from 14 September to 14 October 2016 and information on the consultation can be viewed on Council's website.

The intended outcome of the land reclassification is to provide greater options for the presently isolated and unusable parcel of Council owned land including the disposal of the land to an adjoining residential property. The land is currently zoned R2 - Low Density Residential under the Hurstville Local Environmental Plan 2012 and no changes to the zoning or development standards are proposed.

Any person is welcome to attend the Public Hearing. If you would like to make a verbal submission, you will need to register prior to the Public Hearing to ensure sufficient time is allocated for all speakers. To register your details and attendance at the Public Hearing, please contact Harkirat Singh on 9330 6400, or via email: [hsingh@georgesriver.nsw.gov.au](mailto:hsingh@georgesriver.nsw.gov.au).

Written submissions may be sent by post to the General Manager, Georges River Council, PO Box 205, Hurstville BC 1481 or via email: [hsingh@georgesriver.nsw.gov.au](mailto:hsingh@georgesriver.nsw.gov.au). All submissions must be received by no later than 5:00pm Friday 17 February 2017.

If you make a written or verbal submission during the Public Hearing and have made political donations or gifts, a statement must be completed and submitted prior to the Public Hearing. A form is available from Council's website.

A person may request to have their personal details suppressed.

For more information about Council's Privacy Management Plan, contact Council's Privacy Contact Officer on 9330 6400.



#### COUNCIL ON SOCIAL MEDIA

Follow us on Facebook and Twitter to stay informed with the latest council news, information and events

### HAVE YOUR SAY

#### CREATING OUR NEW GEORGES RIVER COUNCIL LOGO

All members of the local community are invited to have their say on three new proposed logos for Georges River Council from 4 February - 18 February 2017.

Council has created three new logo designs using some key features from the Georges River area. These include its natural beauty, great sporting legacy and broad cultural diversity.

Council is hosting Community Information kiosks and conducting a simple face-to-face survey, as well as an online survey via Council's website to obtain community feedback.

#### Community Information Kiosk Details:

**When:** Thursday, 16 February

**Where:** Kogarah Town Centre - opposite Woolworths, 1-9 Railway Parade, Kogarah

**Times:** 11:00am - 7:00pm

**Transport:** The venue is located in close proximity to Kogarah Station.

For more information, or to access the Have Your Say survey, visit Council's website at [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).

### LUNAR NEW YEAR CELEBRATIONS

Georges River Council welcomed in the Year of the Rooster with colourful events across both Hurstville and Kogarah.

More than 45,000 festival goers attended the Hurstville Lunar New Year Street Festival and Kogarah Lunar New Year Celebration to celebrate the 2017 Lunar New Year.

The festivities at both locations were a great success, with people of all ages coming together to enjoy the live entertainment, vibrant street parades, free kids' activities and food and market stalls.



**Pictured (L-R):** Georges River Council General Manager Ms Gail Connolly pictured with Member for Kogarah Mr Chris Minns MP, Federal Member for Barton The Hon. Linda Burney MP, Council Administrator Mr John Rayner, Consul-General (Ambassadorial Rank) of the People's Republic of China in Sydney, His Excellency Gu Xiaojie, Federal Member for Banks Mr David Coleman MP, Member for Oatley Mr Mark Coure MP and Lunar New Year Advisory Committee Chair Mr Dominic Sin.



for  
**Hurstville City Council**

## **Reclassification of Council Land & LEP Amendment**

**Council-owned land, Pt. Lot 18 DP 31882  
No. 34 Coreen Avenue, Peakhurst, NSW**

# **Planning Proposal**



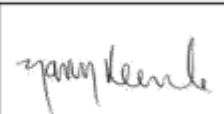
**Outline Planning Consultants Pty Ltd**  
Project Managers  
Planning Consultants

Suite 18 Pittwater Business Park  
No. 5 Vuko Place, Warriewood NSW 2102  
Tel: 02 9262 3511 [www.outline.com.au](http://www.outline.com.au)

**September 2015**

*Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*

Author:	Gary Peacock (BTP UNSW) Managing Director Outline Planning Consultants Pty Ltd
Dated:	September 2015
Signed:	

**Planning Proposal  
for Hurstville City Council  
Reclassification  
Council-owned land  
No. 34 Coreen Avenue  
Peakhurst NSW**

**September 2015**

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Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW

Planning Proposal

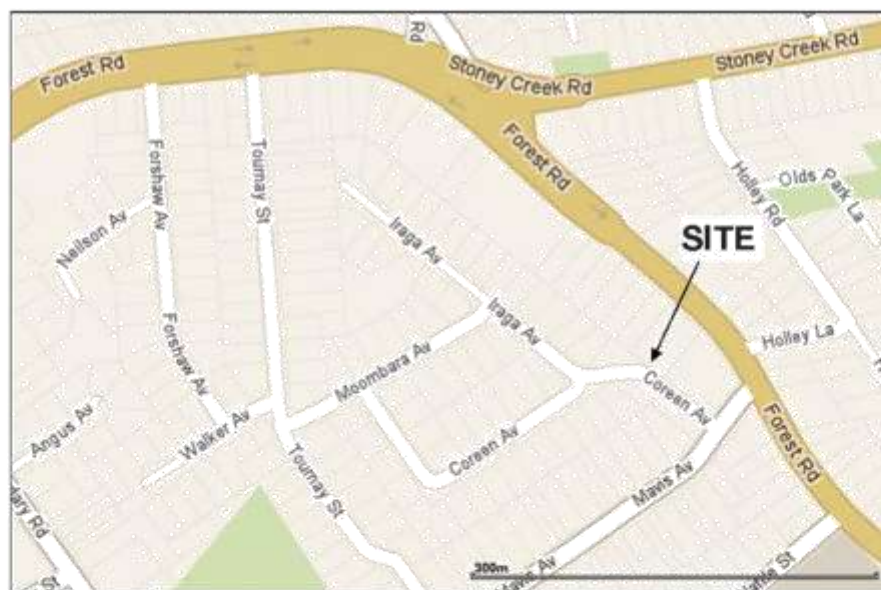
# 1 Introduction

## 1.1 Overview

This planning proposal relates to land identified as Part Lot 18 in DP 31882 at No. 34 Coreen Avenue, Peakhurst, forming a part of the Council-owned land known as Coreen Avenue Reserve (the site). The reserve is bisected by Coreen Avenue, with a small residue area located on the northern side of the road. The site is situated within the City of Hurstville local government area (LGA) as shown in the locality map below- refer Figure 1 and Figure 2.

The small, unusable residue of the reserve, currently classified as 'Community' land, is proposed to be reclassified as 'Operational' land for the purposes of the *Local Government Act 1993*.

This proposed change in the classification of the land also requires a corresponding amendment to be made to Council's relevant planning instrument, namely, the Hurstville Local Environmental Plan 2012.



**FIGURE 1: Location of Site**

(Map Base Source: [earthlink.com](http://www.earthlink.com))

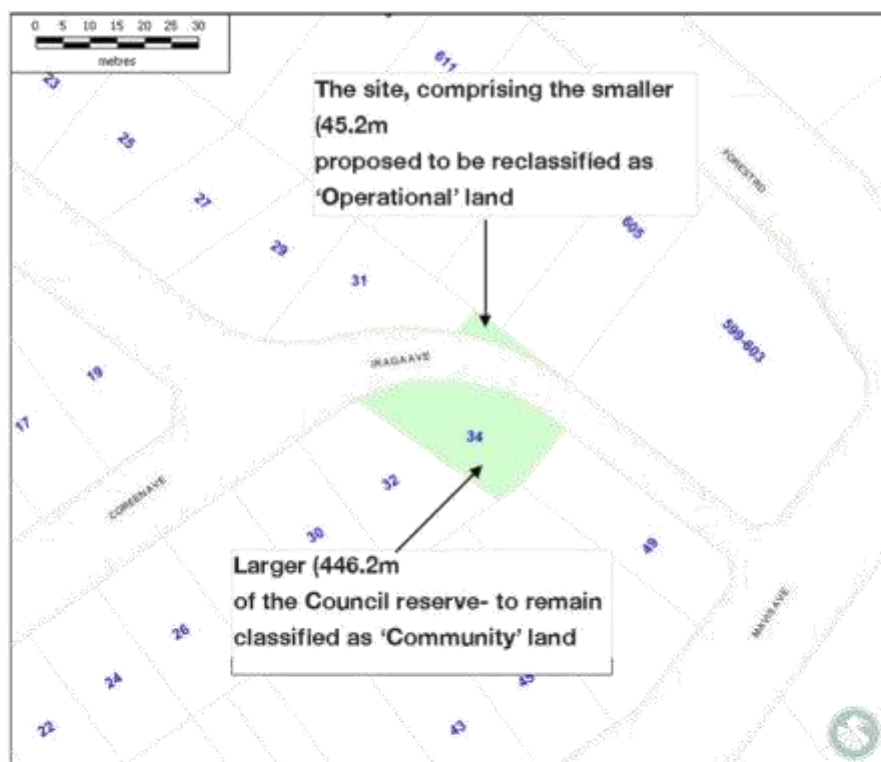
Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW

Planning Proposal

No change is sought to the zoning of the land, only the classification of the land.

This Planning Proposal has been prepared by Outline Planning Consultants Pty Ltd on behalf of Hurstville City Council in accordance with s.55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning & Environment comprising the following:

- *A Guide to Preparing Local Environmental Plans* (April 2013).
- *A Guide to Preparing Planning Proposals* (October 2012).
- LEP Practice Note *PN 09-003 Classification and reclassification of public land through a local environmental plan*. Refer **Attachment A**.



**FIGURE 2: Coreen Avenue Reserve and the Site**

(Map Base Source: Hurstville City Council online mapping)

*Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*

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## 1.2 Planning Proposal

The Planning Proposal seeks to enable the smaller residue of the reserve on the northern side of Coreen/Vraga Avenue to be reclassified as 'Operational' land for the purposes of the *Local Government Act 1993*. The remainder of the reserve will continue to be classified as "Community" land, reflecting its open space function.

## 1.3 Statutory Obligations of Council

Pursuant to Section 55 of the EP&A Act Hurstville City Council is required to prepare a planning proposal report in support of the reclassification (but not rezoning) of the site.

Under Section 27 of the *Local Government Act 1993* all Council-owned land must be classified as either 'Community' or 'Operational' under a local environmental plan (LEP). The purpose of the classification is to identify Council-owned land to be kept for use by the general public (Community) and land which need not (Operational).

In general, a local council has no power to sell, exchange or otherwise dispose of Community Land.

No such restrictions on the sale, lease or licensing of land apply to Operational Land. Community Land generally includes public parks and the like. Operational Land generally includes land for carrying out a local council's functions as well as land held for investment or land disposed of by way of sale.

Section 30 of the *Local Government Act 1993* allows the reclassification of Community Land as Operational Land by way of an amending LEP.

## 1.4 Issues Addressed in this Planning Proposal

The format of this Planning Proposal report is based on and complies with Department of Planning & Environment *Practice Note PN 09-003*, as well as *A Guide to Preparing Planning Proposals* (October 2012) and *A Guide to Preparing Local Environmental Plans* (April 2013). This Planning Proposal includes the following:

- Part 1-A statement of the objectives and intended outcomes of the planning proposal.
- Part 2- Explanation of the provisions of how the objectives and intended outcomes are to be achieved.
- Part 3-Justification for the planning proposal.
- Part 4-Mapping details, to identify the intent of the planning proposal and the area to which it applies.



*Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*

- Part 5-Details of the community consultation that is to be undertaken for the planning proposal.
- Part 6- The anticipated project timeline.

Related to the above, the following matters are also considered:

- Any proposal to extinguish or retain other interests in the land through the reclassification and justification /explanation as to why such interests are being extinguished.
- Proposed LEP amendment associated with the reclassification of the site,
- Consideration of any relevant section 117 directions, e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.
- The reasons why the draft LEP or planning proposal is being prepared including the planning merits of the proposal.
- The current and proposed classification of the land and the reasons for the reclassification including how this relates to Council's strategic framework and the proposed future use of the land.
- Council's history of ownership of the land and the nature of council's interest in the land.
- Council's asset management objectives being pursued, the manner in which they will be achieved and the type of benefits Council wants.
- Relevant matters required in plan making under the EP&A Act.

## **1.5 Site Description**

The site proposed for reclassification is a small, triangular shaped parcel of land having an area of 45.4m<sup>2</sup>. The site has a northern boundary of approximately 23.7m and a variable frontage to Coreen Avenue. The site has a depth of 5.895m. The site is a residue of a larger Council-owned reserve, on the opposite side of Coreen Avenue. This reserve has an area of 446.2m<sup>2</sup>.

## **1.6 Existing Classification of Land, History**

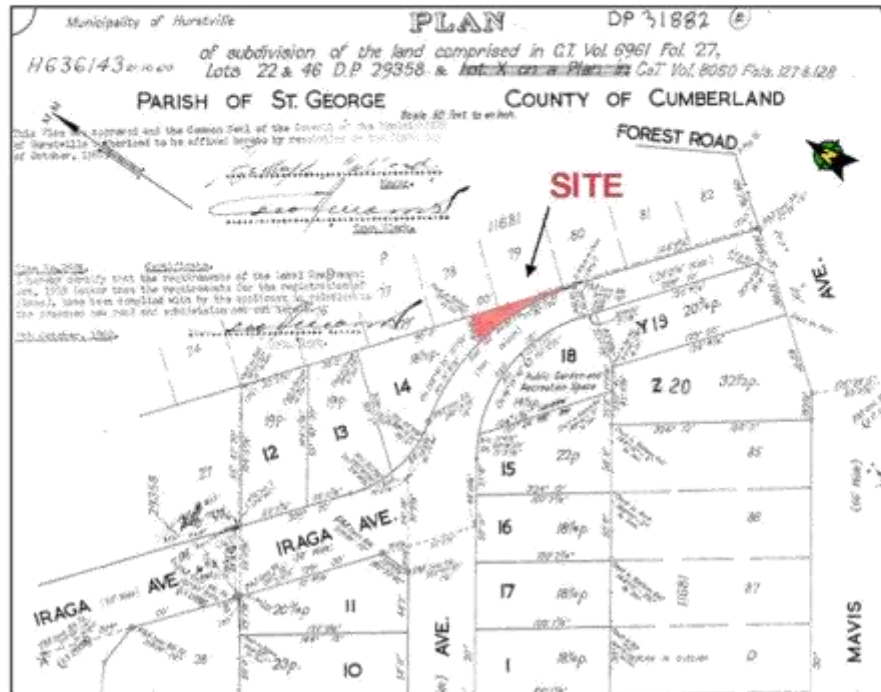
The site is Council-owned freehold land, classified as Community Land.

Council acquired an interest in the land when the locality was first subdivided prior to 1960- the reserve dedicated to Council as part of an overall subdivision at that time.

In October 1960 this Council reserve was subsequently bisected by a road serving a further subdivision of the land nearby. This action had the effect of physically disconnecting the site from the larger residue of the Coreen Avenue Reserve. Refer to accompanying Figure 3.

Reclassification of Council-owned land  
 No. 34 Coreen Avenue, Peakhurst NSW

Planning Proposal



**FIGURE 3: 1960 Subdivision Plan showing Coreen Avenue bisecting the Council reserve, creating the small residue (site)**

There are no agreements in place regarding the intended future sale or lease of the land. This will be considered by Council following reclassification of the site.

The site is not the subject of any other agreements or trusts.

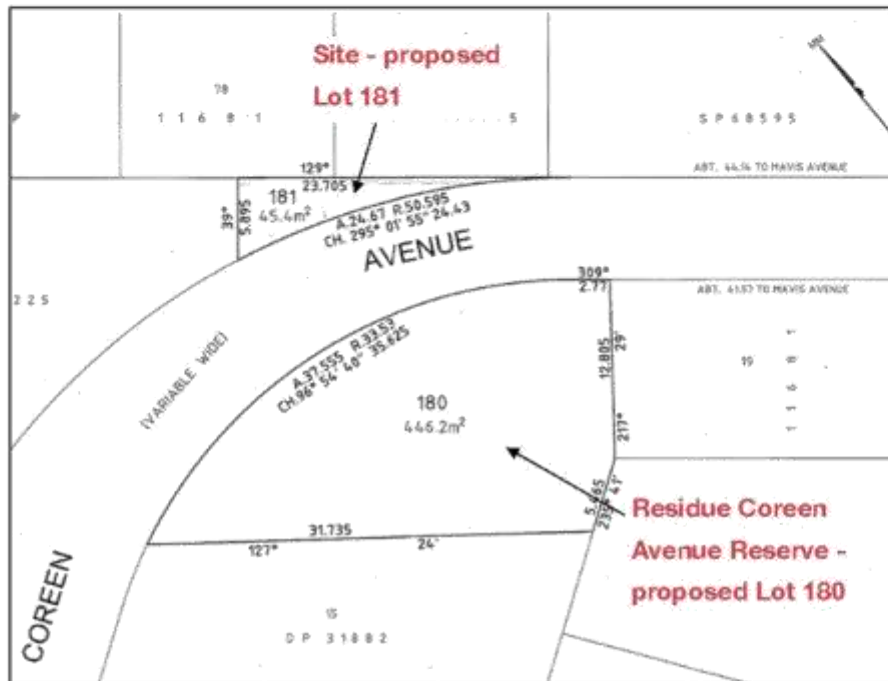
Council is in the process of creating a subdivision comprising two allotments, to reflect the :

- Proposed Lot 181 comprising the subject site, having an area of 45.4m<sup>2</sup>.
- The larger residue of Coreen Avenue Reserve (proposed Lot 180), having an area of 446.2m<sup>2</sup>.

Reclassification of Council-owned land  
 No. 34 Coreen Avenue, Peakhurst NSW

Planning Proposal

Refer to accompanying Figure 4, showing the proposed subdivision to create the above allotments. Refer also to **Attachment B**.



**FIGURE 4: Proposed Subdivision Plan showing the two separate lots to be created as a result of the road bisecting the Council reserve**

(Source: Hurstville City Council)

## 1.7 Existing Development

The key existing features of the site to which this planning proposal applies are described below.

### ■ Site Features and Built Form -

The site is vacant. It comprises cleared land above the footpath level of Coreen Avenue. A fence and trees (including a large fig tree) in an adjoining residential lot are situated along the northern boundary of the site. Refer also to accompanying photographs.



Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW

Planning Proposal



**PHOTOGRAPH:** The subject site, edged in red, viewed from Coreen Avenue. View looking north



**PHOTOGRAPH:** The subject site, edged in yellow, viewed from the Council reserve on the opposite side of Coreen Avenue

*Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*



- **Topography** - The topography of the site is generally undulating to flat, with a vertical edge on the sauterne boundary down to the footpath on Coreen Avenue.
- **Acid Sulphate Soils** - The site has no acid sulphate soils potential.
- **Hazards** - The site has no parts with any hazard potential.
- **Drainage and Flooding** - The site drains to the road. No detailed flood study has been carried out for specifically for the site, however, given the location of the site there is little or no potential for flooding.

*Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*

- **Vegetation & Habitat Values**- The site is generally cleared and would have no significance in terms of vegetation or habitat values.
- **Surrounding Development**- The site is surrounded by residential development, generally one and two storeys. Abutting the site to the south is a multi-unit residential development, located on the corner of Coreen Avenue and Mavis Avenue. The residue of the Council reserve lies opposite the site, on the other side of Coreen Avenue. The remaining land in the immediate vicinity of the site is utilised for the purpose of single detached dwellings. Refer Figure 5 and to accompanying photographs.
- **Services**- The site is presently not serviced.
- **Suitability for open space** - The site is too small to be used as an open space area, being an irregular, small parcel of land separated from Coreen Avenue Reserve by a roadway.
- **Existing zoning, classification of land** - The site is zoned R2 Low Density Residential under the provisions of the existing Hurstville Local Environmental Plan 2012. The Coreen Avenue Reserve, opposite the site, is also zoned R2 Low Density Residential. The site and the residue of the reserve are both presently classified as 'Community' land for the purposes of the *Local Government Act 1993*.



**PHOTOGRAPH:** *The subject site, edged in yellow, viewed from the Council reserve on the opposite side of Coreen Avenue (right hand side of photograph). View from north-west*



*Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*

## 2 Objectives & Intended Outcomes

Under the provisions of Section 55(1) of the Environmental Planning and Assessment Act 1979, an explanation of what is planned to be achieved by the proposed amendments to the Hurstville Local Environmental Plan 2012 is required. This explanation requires an understanding of:

- Existing town planning controls applicable.
- The outcome of rezoning the site, following rezoning and reclassification of the site.

The overarching purpose of the planning proposal is to enable an amendment to the existing Hurstville Local Environmental Plan 2012 such that this small residue of Coreen Avenue Reserve is reclassified to 'Operational', with the existing R2 Low Density Residential retained as is. No change is sought to either the zoning or classification of the larger residue of Coreen Avenue Reserve. Refer Figure 4 showing Council proposal to subdivide the reserve, creating the site as a separate allotment.

The planning proposal also seeks to reclassify the residue of the site, proposed for residential use, from 'Community' to 'Operational', to enable this land to be used for this purpose in the future.

The accompanying Table 2.1 summarises the planning outcomes sought.

*Table 2.1. Summary of Planning Outcomes*

Item	Comments
Size of Site (ha)	45.2m2
	<b>PLANNING OUTCOMES</b>
Existing Zoning	R2 Low Density Residential
Proposed Zonings	R2 Low Density Residential
Existing Status [NOTE 1]	Community land
Proposed Status [NOTE 1]	Operational land

NOTE TO TABLE:

1. "Status" refers to the public land classification as either Community Land or Operational Land under the *Local Government Act 1993*. Community land may be used for certain purposes as specified in an LEP and/or adopted Plan of Management prepared under the provisions of the *Local Government Act 1993*. Generally, it may not be sold or transferred to another owner unless first reclassified as operational. Operational land may be used in accordance with a LEP and may be sold, transferred or leased to another party by the Council.

*Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*

### 3 Explanation of Provisions

The planning proposal seeks to maintain the existing R2 Low Density Residential zoning over the site and to change its classification to 'Operational' land. A new lot is proposed.

No changes to the Hurstville LEP 2012 written instrument are proposed as part of this Planning Proposal, save for an amendment to Schedule 4 of the LEP, as follows. This arises from the need to reclassify the site from 'Community' land to 'Operational' land under the provisions of Division 1 of Part 2 of Chapter 6 of the *Local Government Act 1993*.

The Planning Proposal also proposes to amend Schedule 4 of the Hurstville LEP 2012 as follows:

#### **Schedule 4 Classification and reclassification of public land (Clause 5.2)**

##### **Part 1 Land classified, or reclassified, as operational land—no interests changed**

Column 1	Column 2
Locality	Description
No.34 Coreen Avenue, Peakhurst	Lot 181 in a proposed subdivision of Lot 18 in DP 31882

[Part 3] NA

##### **Part 2 Land classified, or reclassified, as community land**

Column 1	Column 2
Locality	Description
No.34 Coreen Avenue, Peakhurst	Lot 180 in a proposed subdivision of Lot 18 in DP 31882

[NOTE: Given that the planning proposal involves a subdivision of the Coreen Avenue Reserve into two lots, each with a differing classification, the above changes to Part 2 of Schedule 4 of the LEP are believed to be required. Subject to confirmation by Parliamentary Counsel.]

*Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*

## 4 Justification

This section of the Planning Proposal report details the reasons for the proposed outcomes and is based on a series of questions/points as outlined in the following Department of Planning and Environment's guidelines:

- *A Guide to Preparing Planning Proposals* (October 2012), also referred to in *A Guide to Preparing Local Environmental Plans* (April 2013).
- LEP Practice Note *PN 09-003 Classification and reclassification of public land through a local environmental plan*, as updated by *A Guide to Preparing Local Environmental Plans* (April 2013).

The April 2013 LEP guidelines document, referred to above, states that in the case of proposed LEPs which are being prepared solely to classify or reclassify land, the Director-General has issued the following requirements as to the specific matters that must be addressed in the justification for a planning proposal:

- Is the planning proposal the result of any strategic study or report? In short, no.
- Is the planning proposal consistent with the local council's community plan or other local strategic plan? The reclassification is consistent- refer to details below.
- If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided. In this regard, no interests are to be extinguished as a result of this reclassification.
- The concurrence of the landowner, where the land is not owned by the relevant planning authority. [NOTE: The site is Council-owned land].

For completeness, the questions posed in regard to planning proposals in general are also addressed in the following, to the extent that they are relevant:

### 4.1 Reclassification of Land-Specific Justification Issues

**Director General's (April 2013) requirements regarding matters that must be addressed in the justification of all planning proposals to reclassify public land**

Section 5.5.4 of *A Guide to Preparing Local Environmental Plans* (April 2013) contains the Director General's requirements regarding matters that must be addressed in the justification of all planning proposals to reclassify public land. These matters are addressed in the following Section 4.1 of this Planning Proposal report.

*Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*

**Q. Is the planning proposal a result of any strategic study or report?**

No. This Planning Proposal is not the result of any strategic study or report.

**Q. Is the planning proposal consistent with the local council's community plan, or other local strategic plan?**

The *Hurstville Open Space, Recreation, Community Facilities & Library Facilities Strategy* (Hurstville Council, Clouston Associates, Elton Consulting & 180 Sports & Leisure Solutions June 2010), adopted by Council, identifies an overall strategy for the use and disposition of Council's open space assets. The planning proposal is consistent with this strategy in that:

- The site is not identified as comprising a significant open space asset.
- The site is not earmarked for any expansion or upgrading.
- The site does not satisfy the majority of the criteria for a functional local open space- refer also to Section 1.7. Moreover, the strategy notes *"In several local parks the basic elements of a park are missing. Items such as footpaths, seating, shade, and enclosure for play areas are lacking, decreasing the usability of these spaces."* (p.26 of strategy) Due to its very small size the site is incapable of providing even the most basic open space facilities or spaces typical of such open space areas.
- The reclassification of open space areas is a management action referred to in the strategy.
- The strategy notes that some open space areas may be suited to divestment. *"It is inevitable that through the evaluation process, certain parcels may be assessed as inappropriate for open space use by virtue of their location, present condition or barriers to future use. This land may therefore be suitable for divestment. In the event that Council decides to divest Council-owned land parcels it is essential that the derived income be spent in one or several of the following ways: • To offset debt incurred in the acquisition of that land; or • To acquire other parcels for open space in the same or other districts that will better satisfy the identified open space and recreation needs of the local community; or • For the ongoing improvement of existing open space in the district in which the open space is located as part of an integrated divestment and re-investment strategy."* (p.73 of the strategy)

In terms of the last point above, the proposal meets the above strategy criteria for divestment, and in particular:

- The residue land can be reclassified as it is unsuitable as an open space area.

*Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*

- From a LGA-wide viewpoint, the site is of minimal importance strategically in terms of quantity and quality, being unusable as open space.
- The site has no potential for improvement by acquisition of adjoining parcels or consolidation e.g. small in size/at a distance from other parcels.

The site is not identified for upgrading or expansion in Council's adopted *Hurstville Community Strategic Plan 2021*.

The ongoing disposal of assets forms a part of Council's Delivery Program, which forms a part of the *Hurstville Community Strategic Plan 2021*.

The proceeds from any sale of Council assets- like the residue of the Pindari Reserve-would go into the Property Realignment Reserve to be used for future acquisition of effective open space.

**Q. If the provisions of the planning proposal include the extinguishment of interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided**

There are no known interests in the land the subject of the proposed reclassification, nor are there any known interests that are in need of extinguishment.

**Q. The concurrence of the landowner, where the land is not owned by the relevant planning authority**

All of the land is owned by Hurstville City Council.

**Summary: Compliance with Director General's Requirements for Reclassification of Land**

The above satisfies the (April 2013) Director General's requirements regarding matters that must be addressed in the justification of all planning proposals to reclassify public land. These April 2013 requirements update and supersede the earlier requirements for the reclassification of public land as contained in LEP Practice Note *PN 09-003 Classification and reclassification of public land through a local environmental plan*. For comparison purposes, refer **Attachment A** for compliance table with *PN 09-003*.

#### **4.2 Justification Issues Not Specific to Reclassifications of Public Land**

##### **Section A. Need for Planning Proposal**

**Q1: Is the planning proposal a result of any strategic study or report?**

No. Addressed in Section 4.1.



*Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The Planning Proposal is considered the best means of achieving the intended outcome. The reclassification (and eventual disposal) of the site is considered to be the best option available given that the site is unsuitable as public open space. The site has an irregular shape and its value as a passive open space areas further compromised by its very small size (45.5m<sup>2</sup>). The site is probably better suited to being integrated with neighbouring residential land.

The residue of the Coreen Avenue Reserve will continue to be used as public open space, having sufficient area for this purpose.

Hurstville City Council has no power to sell, exchange or otherwise dispose of Community Land, unless it is for the purpose of enabling the land to become, or be added to, a Crown reserve or to land that is reserved or dedicated under the National Parks and Wildlife Act 1974.

It is considered that the Planning Proposal is the best means of achieving the objectives because the subject lands are surplus to Hurstville City Council's open space requirements.

**Section B. Relationship to strategic planning framework**

**Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

- **Hurstville Local Environmental Plan 2012** - The Hurstville LEP 2012 was recently gazetted by Hurstville City Council and is consistent with the objectives and actions contained within the Draft Metropolitan Strategy for Sydney 2031. The reclassification of the site does not give rise to any impact on the Hurstville LEP 2012, save for the need to have the reclassification reflected in an amendment to the LEP.
- **Draft Metropolitan Strategy for Sydney to 2031** - The Draft Metropolitan Strategy for Sydney 2031 ("The Draft Metropolitan Strategy") is the latest blueprint for Metropolitan Sydney and replaces the Metropolitan Strategy City of Cities - A Plan for Sydney's Future. The Metropolitan Strategy does not establish objectives that specifically relate to the reclassification of land or to the utilisation of under-sized Council open space reserves.

**Q4. Is the planning proposal consistent with a Council's local strategy or other local strategic plan?**

Addressed in Section 4.1.

*Reclassification of Council-owned land  
 No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*

**Q5. Is the planning proposal consistent with applicable state environmental planning policies?**

Yes. When considering an amendment to an LEP, it is necessary to consider the provisions of applicable state environmental planning policies. The relevant provisions applicable to a low-density residential housing development, as proposed for the site, are considered below. The planning proposal is consistent with applicable state environmental planning policies. Refer Table 4.1.

*Table 4.1 – Consistency with State Environmental Planning Policies (SEPPs)*

State Environmental Planning Policy	Consistency
SEPP No 1 – Development Standards	Consistent
SEPP No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	Consistent
SEPP No 6 – Number of Storeys in a Building	Not applicable
SEPP No 19 – Bushland in Urban Areas	Not applicable
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	Not inconsistent
SEPP No 55 – Remediation of Land	Consistent. The land has not been identified as being contaminated
SEPP No 60 – Exempt and Complying Development	Consistent
SEPP No 70 – Affordable Housing (Revised Schemes)	Consistent
SEPP (Building Sustainability Index: BASIX) 2004	Consistent
SEPP (Housing for Seniors or People with a Disability) 2004	Not inconsistent
SEPP (Infrastructure) 2007	Not inconsistent
SEPP (Exempt and Complying Development Codes) 2008	Consistent

*Reclassification of Council-owned land  
 No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*

The accompanying Table 4.2 reviews the consistency of the Planning Proposal with relevant Sydney or State Regional Environmental Plans ("REP"), now deemed State Environmental Planning Policies ("SEPP").

*Table 4.2 – Consistency with Deemed State Environmental Planning Policies (SEPPs)*

Deemed State Environmental Planning Policy	Consistency
REP No. 2 (Georges River Catchment)	Consistent

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?**

The Planning Proposal is consistent with applicable s117 Ministerial Directions.

The accompanying table below reviews the consistency with the applicable or potentially applicable Ministerial Directions for LEPs under Section 117 of the Environmental Planning and Assessment Act 1979.

*Table 4.3 - Consistency with Applicable s.117 Ministerial Directions*

*3. Housing, Infrastructure and Urban Development*

s.117 Direction Number & Title	Consistency
3.1 Residential Zones	Consistent. The existing zoning of the land permits low density housing development. This will not change
3.3 Home Occupations	Not inconsistent
3.4 Integrating Land Use and Transport	Not inconsistent

*Reclassification of Council-owned land  
 No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*

#### 4. Hazard and Risk

s.117 Direction Number & Title	Consistency
4.1 Acid Sulphate Soils	Consistent. The land has a low/zero probability of containing acid sulphate soils
4.2 Mine Subsidence and Unstable Land	No mine subsidence. Consistent with unstable land component of s.117 Direction
4.3 Flood Prone land	Not applicable. The subject lands are not affected by flooding
4.4 Planning for Bushfire Protection	Not applicable. The subject lands are not located within a bushfire area

#### 5. Regional Planning

s.117 Direction Number & Title	Consistency
5.1 Implementation of Regional Strategies	Consistent with relevant provisions of applicable regional strategies- refer Q3

#### 6. Local Plan Making

s.117 Direction Number & Title	Consistency
6.1 Approval and Referral Requirements	Consistent
6.2 Reserving Land for Public Purposes	Not inconsistent. Coreen Avenue Reserve is zoned for residential purposes, not for open space. This zoning will not be altered. The classification of the larger residue of the reserve is proposed to be retained as 'Community'. The smaller residue lot will be reclassified as 'Operational' as it is no longer required for open space purposes
6.3 Site Specific Provisions	Not applicable

Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW

Planning Proposal

#### 7. Metropolitan Planning

s.117 Direction Number & Title	Consistency
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The Planning Proposal is not inconsistent with the aims of the Metropolitan Plan as detailed within the Planning Proposal

#### Section C. Environmental, social and economic impact.

**Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The land is vacant, with no bushland or likely habitats. There is no critical habitat on the land the subject of the Planning Proposal.

**Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The site is very small and would appear capable of being absorbed into an existing adjoining residential parcel. The site has no potential in its own right for development, given its small size. There are no apparent environmental planning issues of such significance as to preclude the Planning Proposal.

**Q9. Has the planning proposal adequately addressed any social and economic effects?**

The reclassification and ultimate disposal of such a small plot of land has the potential for minimal or no social and economic impacts.

Given the small size of the land and zero potential for accommodating housing or other development, it is unlikely to result in any adverse impact on existing social infrastructure.

By reclassifying the residue of the subject land from 'Community' to 'Operational', the Planning Proposal will enable Hurstville City Council to divest this surplus land and to allocate the funds gained from the divestment of the subject lands to other critical areas.

**Q.10 Is there adequate public infrastructure for the planning proposal?**

The site is located within a built up urban area with ready access to existing public infrastructure. The planning proposal does not generate the need *per se* for any additional public infrastructure.



*Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*

**Q.11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?**

No such consultation has been undertaken to date. Consultation with relevant authorities will be undertaken upon favourable determination from the Gateway rezoning process. In addition to the above, the planning proposal has the following community benefits:

- It enables Council to dispose of surplus land.
- It removes the burden on Council in maintaining land that is not suitable for public open space.
- By reclassifying the residue of the site to Operational land the planning proposal will enable the land to better fit with the surrounding land, once it is sold.



**PHOTOGRAPH:** The subject site, edged in yellow (right hand side of photograph), viewed from the Coreen Avenue. Residue of the Council reserve on left hand side of photograph. View from south

(Source: Google maps)

*Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW*

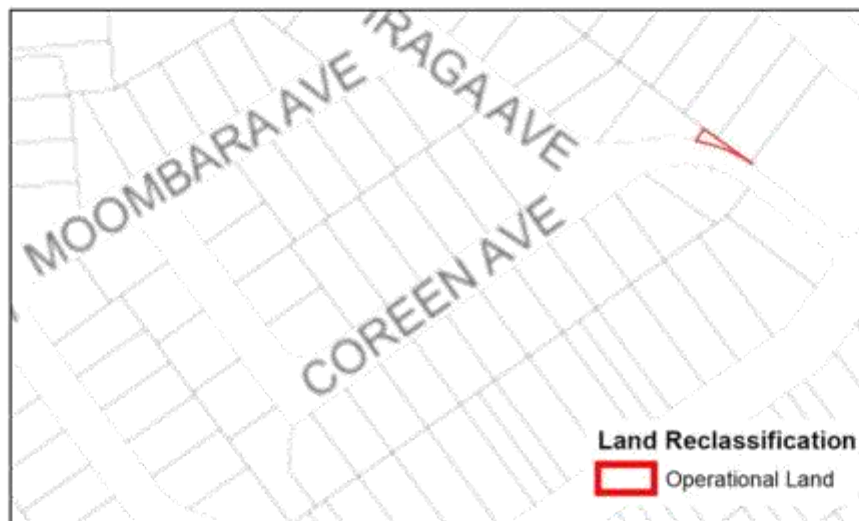
*Planning Proposal*

## 5 Mapping

The Planning Proposal gives rise to the need for a new map sheet to indicate the change sought to the existing Hurstville LEP 2012, namely, the identification of the site as reclassified land.

This could be best expressed through an additional map sheet, entitled Land Reclassification Map Sheet RPL\_005, clearly identifying the site as 'Operational' land.[NOTE: The reference to 005 applies to all land in the Peakhurst locality]

Refer accompanying figure.



**FIGURE 6: Land to be identified in a new Land Classification LEP map sheet**

(Map Base Source: Hurstville City Council)





*Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*

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## 6 Community Consultation

It is proposed that the planning proposal will be exhibited for a period of no less than 14 days. Exhibition material will contain a copy of the planning proposal and relevant maps, supported by a written notice that includes a description of the objectives and intended outcomes of the proposal, land to which the planning proposal applies and indicative time frame for finalisation of the planning proposal. Consultation will occur following receipt of a Gateway Determination.

The Department of Planning and Environment *Practice Note PN 09-003: Classification and reclassification of public land through a local environmental plan* includes the general requirements for exhibition of a planning proposal to reclassify public land. Material which addresses the general requirements will be exhibited with the Planning Proposal. Refer **Attachment A** for checklist.

The proposed community consultation to be undertaken comprises:

- **Public Exhibition** - public exhibition of the Planning Proposal for 14 days, entailing notification:
  - In a newspaper circulating in the local area;
  - Forwarding a copy of the planning proposal and the gateway determination to State and commonwealth government agencies identified in the Gateway Determination;
  - Providing a copy of the planning proposal and supporting documentation at Council's customer service centre at Hurstville, in accordance with Department of Planning and Environment LEP Practice Note *PN 09-003 Classification and reclassification of public land through a local environmental plan* and best practice guidelines for preparing LEPs (refer Section 1.1);
  - On Council's website, including all relevant documentation, in accordance with Department of Planning and Environment LEP Practice Note *PN 09-003 Classification and reclassification of public land through a local environmental plan* and best practice guidelines for preparing LEPs (refer Section 1.1); and
  - In writing to adjoining landowners.

Public exhibition of the Planning Proposal will be carried out in accordance with the requirements of the EPA Act, EPA Regulations and the Gateway determination.

*Reclassification of Council-owned land  
 No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*

- Public Hearing - The Gateway Determination will confirm the need, if any, for a public hearing for the reclassification of the land, together with any other requirements for the exhibition of the proposal. A public hearing would be conducted following the public exhibition period in accordance with section 57 of the EPA&Act 1979 and section 29 of the *Local Government Act 1993*. Notice of the public hearing would be given after the public exhibition period and at least 21 days before the date of the hearing.

Section 5.5.7 of the NSW Department of Planning & Environment's *A Guide to Preparing Local Environmental Plans* (April 2013) sets benchmark timeframes for various types of LEPs where they are consistent with the State's strategic framework.

A benchmark timeframe for minor spot rezonings- like this reclassification planning proposal- of about 8 months applies. Such a timeframe is achievable if Hurstville City Council exercises its delegated powers to make the rezoning.

Local plan making functions that are now routinely delegated to local councils include reclassification proposals where the Governor's approval is not required in relation to the removal of covenants, trusts etc. relating to the land.

Based on the above, the anticipated project timeline for completion of the Planning Proposal is outlined in Table 6.1.

*Table 6.1: Planning Proposal Project Timeline*

Task	Anticipated timeframe
1. Date of Gateway Determination	Minimum 1 month from lodgement with Department of Planning & Environment
2. Government agency consultation (pre-exhibition as required by Gateway Determination) + commencement and completion dates for public hearing. Public hearing held	Allow 3 months
3. Council consideration of submissions, report from public hearing and Planning Proposal post exhibition	Allow 2 months
4. Council exercises its plan making delegated powers to make LEP for reclassification of the land. New LEP amendment gazetted	Allow 2 months

*Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW*

*Planning Proposal*

## **Attachment A:**

### **LEP Practice Note PN 09-003**

(Issued 12 June 2009)

The purpose of this practice note is to update (and supersede) previous guidance on the process to classify or reclassify public land through a local environmental plan including a principal plan in accordance with the Standard Instrument. NOTE: this planning proposal seeks an amendment to the existing Pittwater LEP 1993.

The LEP Practice Note contains material required to be displayed by a local council during the public exhibition of an LEP or planning proposal to reclassify land public land.

The consistency of the planning proposal with PN 09-003 is summarised in the accompanying table below.

Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW

Planning Proposal

FN 09-003 Requirement	Consistency of Planning Proposal
Reason why the planning proposal is being prepared	The planning proposal is being prepared in order that the Site can be reclassified from "community" to "operational" land and the Hurstville LEP amended accordingly.
Current and proposed classification	The Site is currently classified as "Community" land and it is proposed that it be reclassified as "Operational" land.
Reason for the reclassification	The Site is surplus to Council's open space needs. Divestment of the land will provide funding for delivery of public benefit improvements to other much-needed upgrading and acquisition of open space elsewhere in the Hurstville LGA in accordance with Council's adopted <i>Hurstville Community Strategic Plan 2021</i> and <i>Hurstville Open Space, Recreation, Community Facilities &amp; Library Facilities Strategy</i> .
Council's ownership of the land	The Site is owned by Council.
How and when the interest was acquired	In Council ownership. Acquired as public open space from the subdivision of land prior to 1960.
The reason Council acquired an interest in the land	Council acquired the interest in the land in order to make provision for public open space.
Any agreements over the land	No.
An indication of any financial loss or gain from the reclassification	The reclassification of the Site will result in a small increase in the value of the land and revenue-generating opportunity for Council, once the site is divested.
The asset management objectives being pursued	This asset is surplus to Council's requirements, as set down in Council's adopted <i>Hurstville Community Strategic Plan 2021</i> and <i>Hurstville Open Space, Recreation, Community Facilities &amp; Library Facilities Strategy</i> .
Whether there has been an agreement for the sale or lease of the land	There are no agreements for the lease or the sale of the land.
Relevant matters required in plan making under the EP&A Act.	The reclassification is proposed to be carried out in accordance with: <ul style="list-style-type: none"> <li>▪ s.55 Relevant Authority to prepare a planning proposal</li> <li>▪ s.56 Gateway Determination</li> <li>▪ s.57 Community Consultation</li> </ul>
A copy of the Practice Note	Attached.

*Reclassification of Council-owned land  
No. 34 Coreen Avenue, Peakhurst NSW*

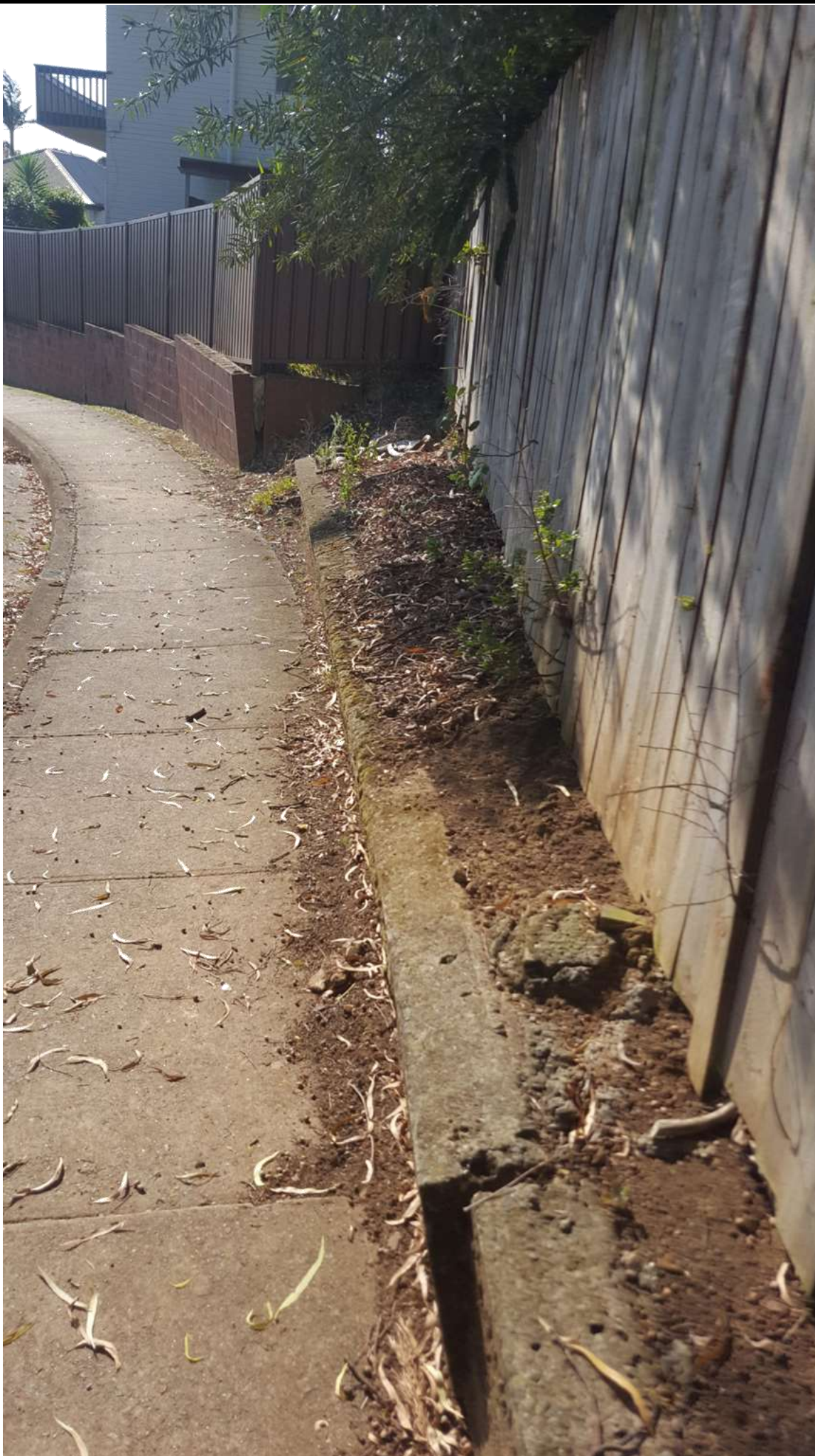
*Planning Proposal*

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## **Attachment B:**

### **Proposed Plan of Subdivision of Coreen Avenue Reserve**











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2/21/2017

Title Search Results

**InfoTrack**  
An Approved LPI NSW  
Information Broker

## Title Search



8

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 18/31882

SEARCH DATE	TIME	EDITION NO	DATE
21/2/2017	4:57 PM	-	-

VOL 9029 FOL 234 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 18 IN DEPOSITED PLAN 31882  
AT PEAKHURST  
LOCAL GOVERNMENT AREA GEORGES RIVER  
PARISH OF ST GEORGE COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP31882

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF HURSTVILLE (T H666657)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

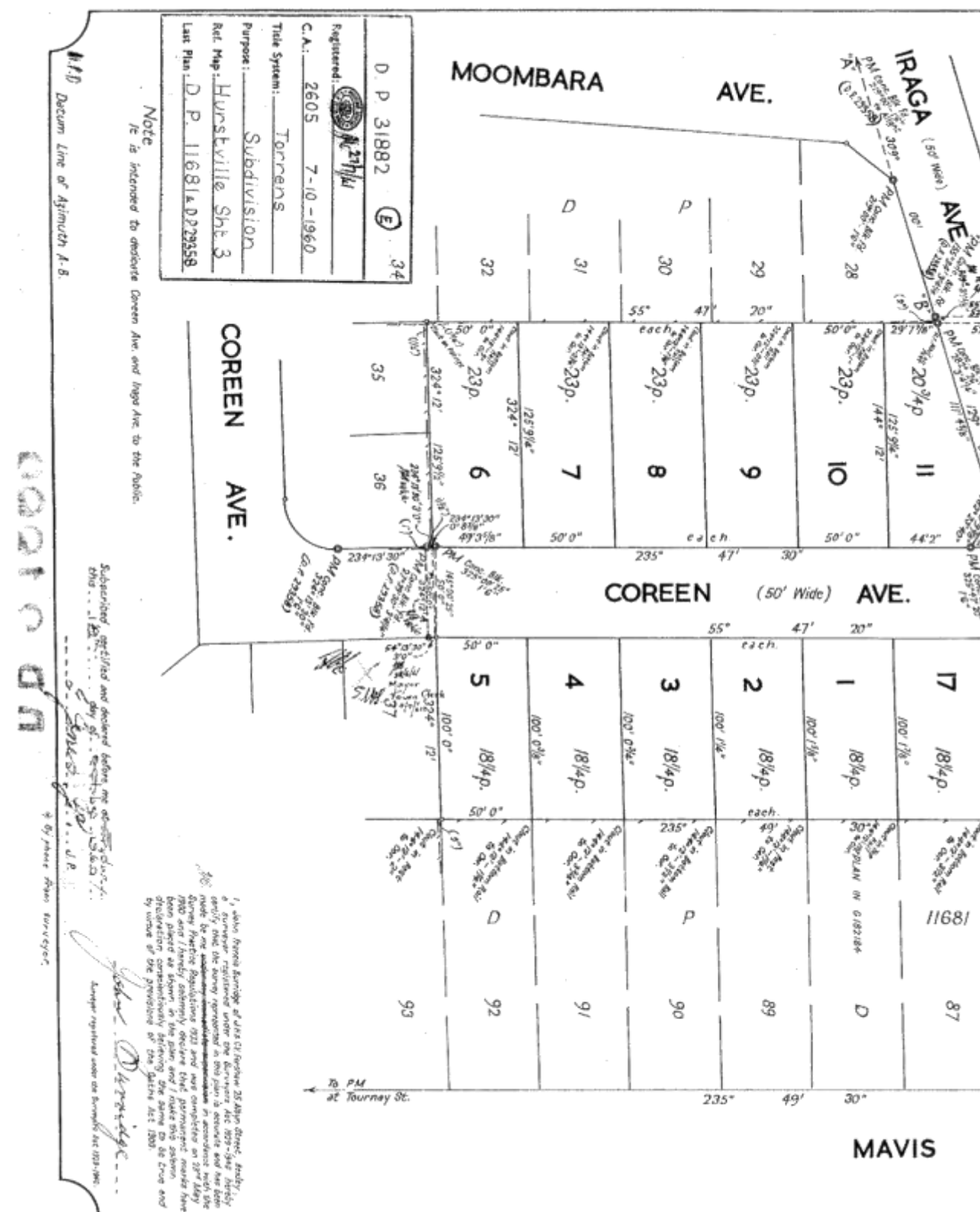
\*\*\* END OF SEARCH \*\*\*

10778

PRINTED ON 21/2/2017

\* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.





CONVERSION TABLE ADDED BY  
REGISTER GENERAL'S DEPARTMENT

OF 31987

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-	0 3/4	0.051
-	1	0.061
-	1 1/4	0.071
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-	83 1/4	0.219
-	83 1/2	0.219
-	83 3/4	0.219
-	84	0.219
-	84 1/4	0.219
-	84 1/2	0.219
-	84 3/4	0.219
-	85	0.219
-	85 1/4	0.219
-	85 1/2	0.219
-	85 3/4	0.219
-	86	0.219
-	86 1/4	0.219
-	86 1/2	0.219
-	86 3/4	0.219
-	87	0.219
-	87 1/4	0.219
-	87 1/2	0.219
-	87 3/4	0.219
-	88	0.219
-	88 1/4	0.219
-	88 1/2	0.219
-	88 3/4	0.219
-	89	0.219
-	89 1/4	0.219
-	89 1/2	0.219
-	89 3/4	0.219
-	90	0.219
-	90 1/4	0.219
-	90 1/2	0.219
-	90 3/4	0.219
-	91	0.219
-	91 1/4	0.219
-	91 1/2	0.219
-	91 3/4	0.219
-	92	0.219
-	92 1/4	0.219
-	92 1/2	0.219
-	92 3/4	0.219
-	93	0.219
-	93 1/4	0.219
-	93 1/2	0.219
-	93 3/4	0.219
-	94	0.219
-	94 1/4	0.219
-	94 1/2	0.219
-	94 3/4	0.219
-	95	0.219
-	95 1/4	0.219
-	95 1/2	0.219
-	95 3/4	0.219
-	96	0.219
-	96 1/4	0.219
-	96 1/2	0.219
-	96 3/4	0.219
-	97	0.219
-	97 1/4	0.219
-	97 1/2	0.219
-	97 3/4	0.219
-	98	0.219
-	98 1/4	0.219
-	98 1/2	0.219
-	98 3/4	0.219
-	99	0.219
-	99 1/4	0.219
-	99 1/2	0.219
-	99 3/4	0.219
-	100	0.219

CONVERSION TABLE ADDED BY  
REGISTER GENERAL'S DEPARTMENT

OF 31987 CONTINUED

FEET	INCHES	METRES
100	0 1/4	20.307
100	0 3/8	20.307
100	0 1/2	20.307
100	1 1/8	21.734
100	0 3/4	21.836
100	7 3/4	23.420
100	-	23.420
100	4 3	

