

<b>JRPP NO:</b>	2010SYW069
<b>REPORT TITLE:</b>	2 Lofberg Road West Pymble
<b>WARD:</b>	Comenarra
<b>DEVELOPMENT APPLICATION N<sup>o</sup>:</b>	0727/10
<b>SUBJECT LAND:</b>	2 Lofberg Road West Pymble
<b>APPLICANT:</b>	Suters Architects
<b>OWNER:</b>	Ku-ring-gai Council
<b>DESIGNER:</b>	Suters Architects
<b>PRESENT USE:</b>	Public swimming pool
<b>ZONING:</b>	Recreation Existing 6(A)
<b>PERMISSIBLE UNDER:</b>	Ku-ring-gai Planning Scheme Ordinance (KPSO)
<b>COUNCIL'S POLICIES APPLICABLE:</b>	KPSO, DCP31 – Access, DCP40 – Construction & Waste Management, DCP43 – Car parking, DCP47 – Water management, DCP56 - Notification
<b>COMPLIANCE WITH CODES/POLICIES:</b>	Yes
<b>DATE LODGED:</b>	5 October 2010
<b>40 DAY PERIOD EXPIRED</b>	14 November 2010
<b>PROPOSAL:</b>	Re-development of West Pymble Swimming Pool including, new aquatic centre facilities, administration, reception area, child minding facility, gymnasium, café, indoor pools with additional parking and associated landscaping works.
<b>ESTIMATED COST OF DEVELOPMENT:</b>	\$12,920,000.00
<b>ISSUES:</b>	Parking, need for development, scale of built form, suitability of site, public interest
<b>RECOMMENDATION:</b>	Approval
<b>ASSESSMENT OFFICER:</b>	External Consultant – Vince Hardy (Cityscape Planning + Projects)
<b>LEGISLATIVE REQUIREMENTS:</b>	Disability Discrimination Act SREP (Sydney Harbour Catchment) 2005 SEPP No.19 – Bushland in Urban Areas SEPP No 55 – Remediation of Land SEPP (Infrastructure) 2007
<b>PERMISSIBLE UNDER</b>	
<b>RELEVANT LEGISLATION</b>	Yes
<b>INTEGRATED DEVELOPMENT</b>	No

# Assessment Report and Recommendation

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## PURPOSE FOR REPORT

To determine development application No.727/10 for the redevelopment of the West Pymble Pool complex and to undertake construction of a new multi-purpose community facility building with associated parking.

## EXECUTIVE SUMMARY

Development consent is sought for demolition of the existing amenities block and 2 small toddlers' pools and for the construction of a new predominantly 2 storey commercial building comprising a gym, child-minding facility, cafe, a new learn-to-swim pool and 25m pool with associated amenities and parking.

## HISTORY

4 August 2010	Pre-Development Application meeting took place
22 September 2010	Development Application lodged
30 September 2010	Commencement of advertising and notification

Consultant Planner met with applicant and expressed concern with:

- scope of approval sought under Part 4 of EP& A Act
- whether sufficient car parking spaces provided
- CPTED issues had not been appropriately addressed
- Inadequate ESD commitments
- Whether the development meets accessibility requirements
- Potential adverse ecological impacts

The applicant subsequently amended the application in response to concerns over reliance on Part 5 of EP& Act and then submitted a new DA with an extended scope including additional parking to be provided

The external consultant planner facilitated significant review and dialogue was between applicant and independent traffic and ecological consultants to ensure that that these matters were appropriately addressed and resolved.

20 December 2010	Amended plans and documentation submitted
24 December 2010	Application re-notified

## THE SITE AND SURROUNDING AREA

### The site:

Easements/rights of way:	Easements for rights-of-way, drainage, cables & sewer pipes, water supply and electricity provision
Heritage Item:	Yes, the site forms part of Bicentennial Park
Heritage conservation area:	No
In the vicinity of a heritage item:	No
Bush fire prone land:	Yes
Endangered Community/species:	Yes
Urban bushland:	Yes
Contaminated land:	No

### Site description:

The subject site comprises two allotments of land together forming the Ku-ring-gai Bicentennial Park, being Lot 6 in DP564939 and Lot 8 in DP230332. Together, both allotments of land have a number of road frontages to Lofberg Road, Yanko Road and Ryde Road. The swimming pool complex itself has vehicular access via an existing roadway named Prince of Wales Drive, which connects to Lofberg Road near the intersection of Ryde Road.

### Surrounding development:

The site is surrounded by predominantly residential uses which include a number of surrounding schools and churches and small commercial centre to the north of the park at Binalong and Kendall Streets.

## THE PROPOSAL

The application seeks to demolish the existing amenities block and construct a new multi-level and multi-purpose building which will comprise the following:

#### Lower ground floor (DA03)

- New main entry, administration, reception area and foyer with elevator,
- Child minding facility with connecting indoor play areas and associated admin, reception, storage and toilet facilities.
- Male and female change facilities and amenities; and,
- Outdoor showers and landscaping works adjoining the existing 50m pool.

#### Ground floor (DA04)

- Large open gymnasium and office;
- Cafe and open (northern and southern) deck with associated outdoor seating and foyer in between;
- Male and female change facilities, amenities and first aid room;
- A family change area;
- New indoor learn to swim pool and heated 25m pool;
- An indoor and outdoor wet deck; and
- Outdoor toddler pool;

## Roof plan (DA05)

- A skillion roof with associated mechanical plant over the main building;
- New polycarbonate cladding to the existing shade structure adjoining the 50m pool;
- New bin enclosure at eastern end of facility; and
- New shade cloth over existing learn-to-swim pool and outdoor wet area.

Also proposed as part of the development is:

- the provision of 74 additional car parking spaces which are to be distributed across Bicentennial Park in areas referred to as parking areas 1-7
- Minor upgrade works at the access intersection of Lofberg Road and Prince of Wales Drive to improve its operation

## COMMUNITY CONSULTATION

In accordance with Development Control Plan No. 56, owners of surrounding properties were given notice of the application, with the application being exhibited for 30 days from 30 September 2010. Amended plans and documentation were also received and renotified on 24 December 2010. In response, several submissions were received, from the following:

- Tom Key (Planning Consultant) on behalf of: Charlotte Churchill (71 Pymble Avenue, Pymble) and Rob and Bronwen Hanna (72 Koolona Crescent, West Pymble).
- Paul and Jennifer Turner – 5 Lofberg Road, West Pymble.
- Raeburn Chapman – 47 Lofberg Road, West Pymble.
- Charlotte Churchill – 71 Pymble Avenue, Pymble.

The submissions raised the following issues:

***The parking plan is hasty and poorly thought through. The revised plans that show seven sites for the provision of parking is an ill-conceived way of overcoming a need for parking at or near the pool.***

A detailed comment is then provided in response to the inadequacies of each of the 7 proposed areas to be dedicated as new car parking areas.

***If a private developer were undertaking this development Council would require a multideck carpark. We believe all 7 areas to be a desperate grab for parking spaces and ill-conceived as a quick solution for a poorly planned development. A proper carpark solution will need to be designed for a pool that should have always been located close to a railway station.***

The development application contained a detailed traffic, access and car parking assessment undertaken by Transport and Urban Planning, which was peer reviewed by ARUP and which was found to be acceptable in its findings relating to traffic generation and parking demand and who made a number of additional suggestions in response to that report.

An independent assessment of the proposed parking was also undertaken by Traffix – Traffic and Transport Planners and they provided the following comments:

*“We understand from the documentation that the intention is now to construct 74 additional spaces rather than the 60 ‘core’ spaces previously proposed. Additional (improved) management is also proposed to rectify the present underutilisation of existing parking supply. Specifically, a Parking Management Plan is proposed which is stated to provide an effective increase of 40 spaces within Bicentennial Park, which is underutilised when the Pool parking has been busy. Hence, there will be a net effective increase of 114 spaces to accommodate peak demands that variously range between 100 spaces (T&UP) and 143 spaces (TRAFFIX).*

*In our view, the use of management techniques is an appropriate response to achieve an improved level of usage. Therefore, subject to the effective implementation of the plan it is accepted that there will be an effective net increase of 114 spaces to accommodate the additional demands from the development.*

*It is also considered that due to the high cost of providing parking, it would be a potential waste of resources to provide more spaces than are required. This however needs to be balanced with the need to protect the amenity of the surrounding residential areas from overspill parking, which remains a possibility based on our higher estimate of demand. Having regard for this and the uncertainty surrounding the available data as previously reported, we consider that the development could be approved subject to appropriate conditions...”*

***Impacts of the development during construction, including: length of time for building works; hours of construction; access and egress of construction vehicles; noise impacts; mitigation measures to make good any ecological and landscape damage.***

Construction activities and the resulting impacts that may take place upon the surrounding area are issues that are controlled and managed through appropriate conditions of development consent. There are numerous conditions relating to truck movements, construction hours and mitigation measures to reinstate the surrounding landscape that have been imposed as requirements that must be complied with under a formal notice of determination and which adequately address these raised in the submission/s.

### ***Appropriateness and scale of development***

The development proposal has been designed to accommodate multiple uses which will assist in extending the functional life of the new purpose built building. The building has been located to minimise its impact upon the surrounding urban bushland and to reuse 2 of the existing swimming pools and their surrounds. The building has also been designed to take into account the requirements and expectations of the existing Plan of Management for the Bicentennial Park.

***Enclosed is a submission that identifies 6 key concerns that the JRPP should examine when considering the application in light of s.79C of the Environmental Planning and Assessment Act, 1979. Information sourced in this submission comes from the following Council commissioned investigations: ‘West Pymble Pool Study’; ‘Draft Business Strategy West Pymble Pool’ and ‘Aquatic and Leisure Facility Development and Feasibility Study’. All 3 reports raise serious questions as to the viability and integrity of the current development application.***

A (7 page) table is provided in the submission which shows “***that a very selective approach has been taken as to what information has been included in the development application.***” In summary this table states that:

***This project has severely negative:***

- ***social impacts (all surveys have found the majority of residents do not want an indoor aquatic centre on the West Pymble site. Indeed, at the Council meeting of March 23, 2010, Councillors could not reach a majority vote, instead were split 5:5 as to proceeding the project to DA)***
- ***economic impacts (the gym is being constructed to off-set the cost of the development, however, its business case is unrealistic and places at risk the opportunity for Council to invest rate money on other, much needed facilities for years to come)***
- ***public interest impacts (the site provides a unique swimming environment for children not found anywhere else in Sydney. The LGA Council Charter requires Ku-ring-gai to "promote and to provide and plan for the needs of children" The DLG also found that inadequate public consultation had occurred on the development thus rejecting Ku-ring-gai Council's application for a rate levy)***
- ***environmental impacts (the site is unique in Sydney and this development will change forever the "appealing outdoor pool setting that is unique to the region. No other facility in the region has the treed 'park' setting that West Pymble is endowed with" - words taken from Council commissioned report)***
- ***planning impacts (the Draft Business Strategy for West Pymble Pool, prepared by Suturs Pty Ltd, stated that the development of an Aquatic Centre would be inconsistent with the objectives of the Bicentennial Park Plan of Management)***

The proposed development will have significant social and economic benefits during its construction by the provision of employment opportunities to wide range of professional and construction fields. It will also provide lasting social and economic benefits by the provision of a much needed community facility and for the employment of staff to maintain that facility.

Public interest impacts as raised in the submission have been fulfilled during the notification and advertising of the subject development and then re-notification and re-advertising of the amended plans.

Adverse environmental impacts have been mitigated by the amended proposal which will now retain more of the existing natural vegetation within the site. Also, assessment of the potential environmental impacts has been undertaken in accordance with the requirements of section 5A of the EP&A Act which deals with any effect that a development may have on threatened species, populations or ecological communities, or their habitats. A 7 Part Test has been submitted and did not recommend the further submission of a species impact assessment.

The overall planning impacts of the development proposal have been assessed in detail within this report and are found to generally fulfil the requirements and aims and objectives of the EP&A Act, the Ku-ring-gai Planning Scheme Ordinance and all relevant associated legislation.

***A summary of the issues relevant for the consideration of the West Pymble Aquatic Centre is:***

- ***Bicentennial Park Plan of Management: Council has undertaken a Draft Business Strategy for West Pymble Pool, prepared by Suturs Pty Ltd [the DA applicant] which states the proposed development of a multi-purpose leisure facility would be***

***"inconsistent with the objectives of the Bicentennial Park Plan of Management" for several reasons most notably the constraints on the required parking provision.***

The revised plans have provided for extensive off-street parking within the park for future users of the aquatic centre and for the park in general.

- ***KPSO 68: The SEE at Section 4.4.1 states that the Ku-ring-gai Planning Scheme Ordinance, Clause 60 A, requires the consent authority to have made an assessment of the need for the proposed development. It does not comply with this requirement as all Council Reports agree there is not a need for proposed development at West Pymble site***

The SEE refers to clauses 23 (the development control table), 38B (services), 42 (preservation of trees), schedule 7 (heritage items) and then mentions that under clause 60A, (development of land within zone 6(a)) that Council shall not consent to the carrying out of development on land owned or controlled by the Council and within Zone No 6(a) unless it has made an assessment of: the need for the proposed development on the land; the impact of the proposed development on the existing or likely future use of the land; and the need to retain the land for its existing or likely future use.

The assessment of the need for the facility has been undertaken by Council. The assessment of the impacts assessment is part of the purpose of this report. The findings (and inconsistencies) of existing Council documentation pertaining to the West Pymble Aquatic Centre are matters of consideration that the Council would have referred to when making its decision to undertake and prepare this development application.

- ***Financial modelling of the gym have not been referenced or considered. The gym is not likely to be viable.***

The financial viability of the gym, cafe and aquatic centre as a whole, are factors for consideration by the applicant prior to the lodgement of the development proposal and are not considered to relevant pursuant to S79C of the Act.

- ***Destruction of highly valued and unique outdoor children and family friendly aquatic facilities.***

The outdoor area will still be available for children to play in. The provision of 2 new indoor swimming pools will provide children access to a facility all-year-around, unlike the current outdoor toddlers pools which are underutilised during the colder months of the year.

- ***Inequitable distribution of Council facilities at the Southern tip of the locality. More suitable locations in St Ives, Lindfield or Turrumurra.***

The existing aquatic centre needs to be upgraded. The size of the site, its existing use and accessibility make it well suited to the proposed development.

- ***Parking: Proposed parking spaces are inappropriately located and there is no capacity to expand in the future.***

The issue of parking is addressed within this report. Numerous independent consultants have provided their advice and appropriate conditions of consent have been imposed regarding the ongoing issue of traffic management in the future.

- ***Public transport: The DA references the site as being well serviced by public transport which is inconsistent with the peer review.***

The traffic, access and car parking report provided by 'Transport and Urban Planning' states that the site was well serviced by public transport options (buses) with regular routes along Ryde Road, Yanko Road and providing links to Pymble, Gordon and Macquarie Park. The peer review undertaken by 'Traffix' recommends the regular undertaking of a traffic management plan and should there be any adverse parking impacts, then an operational management plan needs to be carried out.

- ***Noise: The gym will lead to loud noise emissions from the site and there has been no noise assessment undertaken.***

A separate development consent would need to be obtained for the use of the gym. An assessment of noise impacts will occur as part of that DA and if necessary, appropriate conditions of consent would be imposed to control noise emanating from the future use of the gym.

- ***The heritage report by NBRS acknowledges a lack of suitability of the site.***

That part of the heritage report referred to in the submission, provides background information about the various Council reports and notices of motion which have taken place over the past 40 years regarding the proposed upgrade and suitability of the upgrade at West Pymble. It does not state that the site is unsuitable for the development.

- ***Current design has not been the subject of community consultation.***

The extent of community consultation has been undertaken in accordance with the requirements of the EP&A Act, Regulations and Council's own codes and policies.

- ***Lone Pine Memorial.***

The subsequent relocation of the Lone Pine Memorial has been endorsed in writing by the Roseville Sub-Branch of the RSL.

## **INTERNAL REFERRALS**

### **Heritage**

Council's Heritage Advisor provided the following comments in relation to the proposal:

#### ***"Comments on heritage listing***

*The site was identified in 1985 and listed in 1989. The inventory information states the listing is due to its historic, landmark value at a local level. No mention of the swimming pool is made in the inventory information. Only Lot 8, which includes the western half of the pool facility and the roadway from Lofberg Road, is included in the listing. The listing appears to mainly relate to the former occupation of the site by the Lofberg family who used the land for a piggery and orchard and the later use of the site as a quarry. The "Quarry Scenery" of the site with its rock faces and filled areas in a semi circular arrangement relate to its historic use. The current use of the site as a park with several ovals, community facility and the pool compliment its use as a valued community park.*



## **Amendments**

*The amendments include the provision of additional parking spaces on the site, improvements to some existing parking spaces and intersection improvements to the intersection at the Lofberg/Prince of Wales Road intersection.*

## **Comments on proposed works.**

*The amendments propose additional parking in 7 areas as shown on the plans. The following areas are included within the heritage listing of the park:*

- *Area 1- Existing bus drop-off area in Prince of Wales Drive – 17 new car spaces and 34 bicycle spaces.*
- *Area 3 – New car parking along Prince of Wales Drive – 11 new spaces*
- *Area 7 – Improvements to parking area along Lofberg Road – 9 new spaces.*

### **Area 1**

*This is an existing bus drop off area. The work involves construction of a new footpath, a bicycle parking area and formalisation of the bus drop off area for 17 new spaces. The work would require removal of a number of trees to accommodate the footpath and bicycle parking area. The works would affect a group of native screen trees and the roots of trees within the vicinity of the site. The trees have no identified heritage value but may have landscape/horticultural values. This matter needs to be referred to Landscape Services for comment. From a heritage point of view, the work is considered to have minimal impacts on the heritage significance of the park.*

### **Area 3**

*This involves removal of trees and reorienting the existing spaces from parallel spaces to angle spaces. The trees may have some horticultural or landscape values and Landscape Services should comment on this aspect of the works. It is considered that the proposed works would have minimal impact on the significance of the park.*

### **Area 7**

*This work involves formalising some existing spaces and removal of several trees. The trees appear to have little heritage value and the work would have minimal impacts on the heritage significance of the park. Landscape Services should comment on the landscape values of the trees proposed to be removed.*

## **Conclusions and recommendations**

*The approach taken in providing additional parking has been to upgrade some existing informal parking spaces and provide new parking as discretely as possible without creating a large open car parking area which could have visual and physical impacts on the values of the park. A limited number of trees would be removed or affected by the proposed works. Landscape Services needs to provide comments on whether this is acceptable, however, the tree removal would have minimal and acceptable impacts on the heritage significance of the park. The only new formal parking area to be provided, Area 4 is outside the listed part of the site and would not have impacts on the listed part of the site.*

*The amended parking scheme would have minimal adverse heritage impacts."*

## **Engineering**

Council's Team Leader Engineering Assessment Team provided the following comments:

*"Additional information has been received, including an updated stormwater Management Plan and further details of the proposed additional parking provision.*

*The following documentation has been reviewed:*

- *Colson Budd Hunt & Kafes Statement of Environmental Effects, revised December 2010;*
- *Hughes Trueman Stormwater Report, dated 8 December 2010.*

*Matters to be addressed by others:*

- *Access from the proposed disabled parking spaces into the facility*
- *Whether the proposed parking provision at the seven locations is adequate.*

*The documentation does not provide final details of the proposed new carparking areas, such as pavement materials, design levels, retaining structures and drainage. It is noted that Areas 2 and 3 are in the riparian zone.*

### **Water management**

*The water management strategy has been altered slightly, with the replacement of the bioretention swales with grass swales and Enviropods. The MUSIC model demonstrates that the water quality objectives of DCP 47 will still be achieved, so the proposed water management strategy is acceptable.*

*If approval is to be granted, the plans and report by Hughes Trueman should be stamped and listed in Condition 1.*

### **Recommended engineering conditions**

*A condition has been recommended that a Section 73 Certificate be obtained – although swimming pools are listed as development not requiring such a certificate, it is considered that the gymnasium etc would make the development fall into Category 9 in Sydney Water's list of types of development .ie.*

*All industrial, commercial and special use re-development where new building is involved. (special use includes sporting facilities).*

*A condition is also recommended that design drawings for the proposed new parking areas be approved by Council for works in the road reserve under the Roads Act 1993.*

It is accepted that the final details of paving and drainage etc were not provided, however, the reports etc that accompanied the DA together REF provided sufficient information to take a confident view that no adverse environmental impact would be caused, subject to this information being addressed by conditions.

## Environmental Health

Council's Environmental Health Officer has raised no objections to the development proposal. Appropriate conditions of consent will be imposed when subsequent development applications are lodged for the use and fit out of the facility.

## Children's Services

In revised comments, dated 24 February 2011, Council's Director - Community provided the following comments:

*"The proposed child minding facility is excluded from the requirement to be licensed under the Children and Young Persons (Care and Protection) Act 1998. This exclusion is specified in s.200(2)(d1)*

*"(2) However, a "children's service" does not include any of the following:*

*(d1) a regular child-minding service:*

- (i) that is provided in connection with a hospital, health service or a recreational or commercial facility, and*
- (ii) that it is provided by or on behalf of the person conducting the hospital, health service or recreational or commercial facility, and*
- (iii) that is provided to care for children only:*
  - (A) while a sibling of the child is being cared for is being treated at the hospital or health service, or*
  - (B) while the children's parents or authorised carers are visiting or being treated at the hospital or health service or are using the recreational or commercial facility" ....*

*As such, operating details relating to number of children, age groups, number of staff, operational hours, sleeping facilities, nappy changing facilities, storage etc are not matters that should impact the assessment of the development application. Such matters with regard to the operation of the proposed facility will need to be addressed as part of the future fit out of the facility by the operator.*

*Recommendations:*

*The proposed child minding facility for the West Pymble Indoor Pool Bicentennial Park, West Pymble would be acceptable, subject to the following conditions:*

- 1. Any child minding facility within the development shall only be used by children while the children's parents or authorised supervisors are visiting the West Pymble Indoor Pool Bicentennial Park, West Pymble.*
- 2. Prior to and during the ongoing operation of the facility, the operator must comply with any relevant legislative and licensing requirements."*

The above comments are concurred with. The child-minding facility is not a “child-care centre” (by definition) and would not be entirely dissimilar to services offered by major fitness centres for their clients by temporarily caring for their clients’ children while the parent uses the adult based fitness service

It is not therefore a child-care centre open to the public and its licensing through DoCS and any other relevant State Gov’t department is entirely different to those centres which are assessed under the relevant existing child care legislation.

In any event, a subsequent DA will be required for that element of the development and the above conditions can be imposed as part of that approval should it be issued.

## **Landscape**

Council’s Landscape Development Assessment Officer provided the following comments (a referral report is attached as **Annexure 10**).

*“The proposed re-development of the pool, the new aquatic centre and the eight (8) additional areas of car parking within Bicentennial Park, including tree removal and landscape works, has been assessed by Landscape Services. I have reviewed the documentation in regards to likely impacts on significant trees and the proposed tree replenishment and landscape works to the pool surrounds and associated carpark areas, to ensure the preservation of significant existing trees and the existing bushland character of the site. The proposal is considered acceptable subject to conditions.”*

## **EXTERNAL REFERRALS**

Given the scale and nature of the development a number of referrals to government agencies and authorities were undertaken. Also, due to the site being owned by Council and as Council is also the applicant, the assessment of critical components of the application were outsourced to external consultants. The external referral responses and consultant assessments are discussed below:

### **Rural Fire Service**

In accordance with the provisions of section 79BA of the Environmental Planning and Assessment Act 1979 (EP&A Act), Council has consulted with the Commissioner of the NSW Rural Fire Service (RFS), concerning measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire. In a response dated 12 November 2010, the Rural Fire Service raised no objection to the proposal and provided the following comments:

*“I refer to your letter dated 8 October 2010 seeking advice regarding bush fire protection for the above Land Use Application in accordance with Section 79BA of the 'Environmental Planning and Assessment Act 1979'.*

*The Service provides the following recommended conditions:*

#### **General advice - consent authority to note**

*The NSW Rural Fire Service (RFS) has no objection to the advice raised by Steve Parrot, Bushfire Safety Solutions ref.2010/43B, dated 14th September 2010, in reference to*

*DA0727/1 0. Based on the advice provided by the consultant, the RFS would see that Council should be able to make a determination based on all the evidence provided.*

The above advice was confirmed by the RFS in subsequent correspondence dated 18 January 2011.

A Bushfire Compliance Report has been submitted with the development proposal and was undertaken by Bushfire Safety Solutions and their recommendations are provided as '**Attachment A**' of the Statement of Environmental Effects submitted with the development application. The recommendations of this report have been included as conditions of consent.

### **Roads and Traffic Authority**

The RTA reviewed the plans and reports and on 3 March 2011 provided the following advice:

*"The RTA has reviewed the submitted documentation and has the following conditions to be included in the development's conditions of consent:*

- 1. One year after the completion and occupation of the new car parking area (70 spaces) a report is to be prepared by Council reviewing the crash history at the intersection of Lofberg Avenue and Ryde Road identifying any road safety improvements.*
- 2. All works associated with the proposal shall be at no cost to the RTA.*

### **Traffic and parking**

An independent assessment and review of the previously submitted traffic and parking reports was undertaken by Traffix - Traffic and Transport Planners. In their submission dated 24 February 2011 (provided at **Attachment 5**), they provided the following response:

*"We refer to the subject development and in particular to the December 2010 Revision CBHK Statement of Environmental Effects, together with the December 2010 Car Park and Access Report prepared by Transport & Urban Planning (T&UP) and amended plans. We have reviewed these documents and now provide the following comments.*

#### **Parking supply**

*We understand from the documentation that the intention is now to construct 74 additional spaces rather than the 60 'core' spaces previously proposed. Additional (improved) management is also proposed to rectify the present underutilisation of existing parking supply. Specifically, a Parking Management Plan is proposed which is stated to provide an effective increase of 40 spaces within Bicentennial Park, which is underutilised when the Pool parking has been busy. Hence, there will be a net effective increase of 114 spaces to accommodate peak demands that variously range between 100 spaces (T&UP) and 143 spaces (TRAFFIX).*

*In our view, the use of management techniques is an appropriate response to achieve an improved level of usage. Therefore, subject to the effective implementation of the plan it is accepted that there will be an effective net increase of 114 spaces to accommodate the additional demands from the development.*

*It is also considered that, due to the high cost of providing parking, it would be a potential waste of resources to provide more spaces than are required. This however needs to be balanced with the need to protect the amenity of the surrounding residential areas from overspill parking, which remains a possibility based on our higher estimate of demand. Having regard for this and the uncertainty surrounding the available data as previously reported, we consider that the development could be approved subject to appropriate conditions and the following are referred for consideration:*

- A Parking Management Plan shall be implemented and monitored by surveys at peak times on weekends every three (3) months over a one year period and a report shall be prepared for the consideration of Council's Traffic Committee after 12 months. Any amendments required by the Committee shall be incorporated into a revised plan. Such plan shall be monitored annually thereafter and refined as necessary; and*
- In the event that parking demands associated with Bicentennial Park exceed the available supply and results in adverse parking impacts, an Operational Management Plan shall be prepared to identify measures to mitigate such parking demands. This shall include, but not be limited to, the introduction of a Travel Access Guide for use by staff and patrons of all facilities to maximise alternate (non car) travel modes, the rostering of activities to reduce peak overlaps, additional onstreet parking controls to protect residents and the potential for additional parking. In our view, such conditions (or similar) would deal satisfactorily with the uncertainties surrounding the data and the complexities associated with various land use components and provides a mechanism to respond if demands are higher than anticipated. On this basis, the application is considered supportable on traffic grounds.*

### **Car park design**

*The car park layouts and intersection changes provided are considered supportable. The only minor matter relates to the 'dead-end' aisle in Area 2, although this will not be a problem if these spaces are allocated to staff. The 'dead-end' aisle in Area 4 is more problematic and a turning area is considered necessary, to avoid reversing in the event that all spaces are occupied.*

### **Matters raised by RTA**

*We consider that the T&UP report has not addressed the concerns raised by the RTA in its letter dated 18th November 2010 relating to the accident history at the intersection of Lofberg Road and Ryde Road; which are also reflected in our letter dated 22 November 2010. These are matters that are ultimately a matter for Council to resolve with the RTA and we are content to defer to the RTA in relation to this issue and whether turn restrictions at this intersection are to be implemented. It is possible that this can be dealt with by way of a suitable condition of consent.*

It is accepted that the development is provided with sufficient car parking opportunities, however there are still some uncertainties as to how the most efficient utilisation of some of these spaces can be made in peak demand periods. As such, it is recommended that these management issues be resolved as part of the preparation and implementation of a Traffic Management Plan as detailed in the conditions of consent. This is consistent with advice from Traffix and will allow ongoing monitoring of traffic and parking within the site to continue during the operation of the aquatic centre and will permit and necessary adjustments in accordance with that advice.

## Eco logical Australia

Independent ecologists were engaged by Council to peer review all relevant studies and reports provided by the applicant. After much review and request for additional information those consultants concluded that:

*“The report has been reviewed and there are no further issues. ELA consider that this assessment adequately addresses the legislative requirements. In particular, the issues/comments raised in the peer review report form ELA (31 March 2011) appear to have been adequately addressed in the report by Hayes Environmental (29 April 2011).”*

A copy of that advice is provided at **Attachment 6**.

## STATUTORY PROVISIONS

### Disability Discrimination Act

The Disability Discrimination Act (DDA) requires Council to assess whether the proposal has been designed for an appropriate level of equity for all. Considerations, in particular, include whether the building has an appropriate level of accessibility for all persons and whether such accessibility is equitable. This is particularly important for a use providing a service to the general public, such as is the case with the subject application, and for new buildings.

In order to achieve this it is necessary that:

- an accessible path of travel be provided from the footpath and visitor parking spaces to all publicly accessible areas within the main building;
- an accessible path of travel be provided from the footpath and the staff parking spaces to all facilities within the main building;
- accessible parking spaces and toilet facilities are provided; and
- that the provision of an accessible path of travel and accessible facilities be equitable.

An accessibility audit was undertaken by access consultants Equal Access Pty Ltd (dated 21 September 2010) and is provided at **Attachment 7**. The report recommended the inclusion of certain building works to each level of the building and for each room therein. Also, the report recommended ‘general conformance issues’ for construction of doorways, floor surfaces, taps and switches, signage and miscellaneous provisions relating to baby change tables and the operating force of all doors.

In brief, the report recommended full compliance with the Building Code of Australia, the Disability Discrimination Act, and compliance with the relevant Australian Standards pertaining to “Design for Access and mobility”.

The recommendations of the access consultants have been included as conditions of development consent.

### Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Due to the location of the site, the Sydney Harbour Catchment SREP only has a very general applicability to the subject development. The site is not within a designated hydrological catchment of Sydney Harbour and so needs only to be consistent with the planning objectives as contained

within Part 2 of the SREP and the planning principles of clause 13 which covers all properties within the Sydney Harbour Catchment.

The proposed development is considered to be consistent with the principles and objectives contained within the SREP for the following reasons:

- The proposed development, given its nature, scale, location and design would be unlikely to have a detrimental or adverse affect upon the hydrological, ecological or geomorphical processes of the catchment.
- Having regard to the proposed method of stormwater management to be implemented on the site and the consistency of the proposed development with the water management requirements of Ku-ring-gai Council, the proposal is unlikely to have a detrimental impact upon the quality of water within the Sydney Harbour or its tributaries.
- The development proposal is not visible from either Sydney Harbour or any of its tributaries nor are there any viewing points from the site or its surrounds of Sydney Harbour.

### **State Environmental Planning Policy No 19—Bushland in Urban Areas**

Clause 6 of SEPP19 states that “*A person shall not disturb bushland zoned or reserved for public open space purposes without the consent of the council.*”

Importantly, subclause (4) states:

*“ A consent authority shall not consent to the carrying out of development referred to in subclause (1) unless:*

*(a) it has made an assessment of the need to protect and preserve the bushland having regard to the aims of this Policy,*

*(b) it is satisfied that the disturbance of the bushland is essential for a purpose in the public interest and no reasonable alternative is available to the disturbance of that bushland, and*

*(c) it is satisfied that the amount of bushland proposed to be disturbed is as little as possible and, where bushland is disturbed to allow construction work to be carried out, the bushland will be reinstated upon completion of that work as far as is possible.”*

Part of the development proposal involves the removal of a number of trees from the site. Consequently, a detailed assessment of the proposed tree removals and accompanying arborists report was undertaken and submitted with the original Statement of Environmental Effects and is provided as ‘**Attachment E**’.

In accordance with the requirements of SEPP19, a detailed assessment of the proposed removal of trees was undertaken by Council’s Landscape Development Officer who has also reviewed the arborist’s report and made the following comment:

*In accordance with the above comments, clause 6(4) of SEPP19 has been fulfilled by the following:*

- (a) a detailed assessment of the need to protect and preserve the bushland has been made (refer to Attachment E and comments above);*



- (b) *Council's Landscape Development Officer has assessed the proposed disturbance to the existing urban bushland and determined that it is essential for a purpose which is in the public interest and no reasonable alternative is available to the disturbance of that bushland; and*
- (c) *Having regard to the detailed assessments that have been undertaken, Council should be satisfied that the amount of bushland proposed to be disturbed has been limited to permit the building works to take place and will be reinstated upon completion of that work as far as is possible.*

Having regard to all of the above, it is considered that the proposed tree removal of existing urban bushland that comprises part of the swimming pool site has been justified and substantiated and adequately fulfils the requirements of SEPP19.

### **State Environmental Planning Policy No 55—Remediation of Land**

The provisions of SEPP 55 require the consent authority to consider the potential for a site to be contaminated. The subject site has a long history of having been used for recreational purposes and as such it is considered most unlikely to be contaminated. Notwithstanding this, an environmental Investigations report, dated September 2010, addressing the potential for the site to be contaminated was undertaken by EIS P/L which concludes that the site is suitable for the proposed development.

### **State Environmental Planning Policy (Infrastructure) 2007**

Schedule 3 of the Infrastructure SEPP identifies those traffic generating developments that are required to be referred to the RTA for their comment.

The only category to which Schedule 3 could possibly apply is for works that involve the parking of 200 or more vehicles.

The proposal will result in a total net increase of 114 parking spaces. Consequently, the provisions of this SEPP are not applicable in this case.

### **Ku-ring-gai Planning Scheme Ordinance**

The subject site is zoned 6(a) Open Space – Recreation Existing under the provisions of the Ku-ring-gai Planning Scheme Ordinance (PSO). 'Recreation areas' are a permissible form of development under the PSO which are defined as follows:

**"Recreation area"** means -

- (a) *a children's playground;*
- (b) *an area used for sporting activities or sporting facilities;*
- (c) *an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by –*
  - (i) *the council; or*
  - (ii) *a body of persons associated for the purpose of promoting the physical, cultural or intellectual welfare of persons within the community,*

*but does not include a racecourse or a showground.*

In accordance with the definition above, the proposed child-minding centre and cafe would be regarded as ancillary to the swimming pool/gym facility and are thereby permissible under the provisions of the KPSO.

### **Consideration of certain applications**

Clause 33 of the Ku-ring-gai KPSO states that *“In respect of any application for the consent of the responsible authority whether under this Ordinance or under any provision of the Act for consent or approval to the carrying out of development for a purpose referred to in Column IV of the Table to clause 23 of this Ordinance, namely -*

#### ***Aesthetic appearance***

*(a) to the erection of a building, to the carrying out of a work or to the use of land within a Foreshore Scenic Protection Area or within view of any waterway, or adjacent to any county road or main road, railway, public reserve or land reserved for open space or land within Zone No 6(a), 6(b) or 6(c), the responsible authority shall take into consideration the probable aesthetic appearance of such land or of the proposed building or work when used for the proposed purpose and viewed from such waterway, county road or main road, railway, public reserve or any such reserved or zoned land;”*

The development proposal will not have an undesirable aesthetic appearance when viewed from any waterway, county road or main road. The overall aesthetic impact of the development has been minimised by the design and location of the proposal and its continuing use of its existing location. The development generally follows the natural topography of the site, while its bulk, scale and visual appearance complies with the requirements and objectives of the relevant planning controls and is consistent with the desired future character of the area. The development thereby complies with the provisions of clause 33(a) of the Ku-ring-gai PSO.

### **Development of land within Zone No 6(a)**

Clause 60A of the Ku-ring-gai PSO states that *“The Council shall not consent to the carrying out of development on land owned or controlled by the council and within Zone No 6(a) unless the council has made an assessment of -*

- (a) the need for the proposed development on the land;*
- (b) the impact of the proposed development on the existing or likely future use of the land;*  
*and*
- (c) the need to retain the land for its existing or likely future use.”*

In response to the above, the development proposes extensive alterations and additions to the existing swimming pool facility for purposes of upgrading an otherwise dated and (somewhat) dilapidated facility, thereby extending the long-term useability of the site for the benefit of the broader community. There is clear desire for a new or upgraded facility and only limited community objection to this proposal. The proposed upgrades will allow the facility to adequately respond to future demand, and by virtue of its upgrade encourage greater use of an inadequate and under-utilised public facility.

The impact of the development on the existing and future use of the pool will also have broader implication for the use of Bicentennial Park as a whole. By providing a diverse range of facilities

within the main building complex, which aren't just devoted to pool users, will allow other visitors to the site to enjoy recreation activities within the park (non-swimming pool uses) by making the park a destination point because of the availability of services such as the fully equipped café. The provision of indoor swimming facilities will also permit greater commercial viability of the centre during the quieter Winter months.

Notwithstanding the extent and nature of the development, the land will be retained for its existing use (being for recreation purposes) and will retain that use in the future.

The development complies with the provision of clause 60A for the above stated reasons.

### **Development of heritage items and development in the vicinity of heritage items**

The subject site on which the proposed development is to take place does not contain an item of heritage significance, however Lot 8 of DP 230332 does contain an identified heritage item listed under Schedule 7 of the KPSO. The item is known as Bicentennial Park. Consequently, a heritage impact statement was prepared by Noel Ridley Smith & Partners. In their assessment of the proposed development and its impact upon the heritage significance of the site, its surrounds and, most importantly, upon the identified heritage item, the heritage consultants concluded the following:

*"In conclusion, the proposed works described above do not significantly and adversely effect the identified heritage significance of the site as a heritage item and former quarry. Therefore, I recommend the heritage aspects of this application be approved."*

A copy of their report is provided as **Attachment J**.

## **POLICY PROVISIONS**

### **Development Control Plan No. 43 – Car Parking**

Part 3 of DCP43 lists the requirements of parking spaces based on the type of development. Under the DCP, the proposed development is defined as a 'recreational facility'. Under this definition, a gymnasium is required to provide 1 car parking space per 17m<sup>2</sup> of gross floor area (GFA), while a swimming pool is assessed on its merits. Under this development proposal, the child-minding facility and cafe are considered to be ancillary development.

Part 3.4 of the DCP relates to 'other parking issues' which includes parking for disabled persons. While there is no rate of disabled provision provided for this type of development, the DCP states that for car parking areas with 50 or more spaces, the minimum provision is 1 (disabled) space and a guideline rate of 2-3% of all parking spaces being a disabled spaces.

The development proposal will result in the provision of 114 additional parking spaces has been recommended as being sufficient by the analysis undertaken by Transport and Urban Planning P/L and as supported by a recent peer review undertaken by Traffix, as previously described herein this report.

Both reports also recommend ongoing monitoring of parking conditions to ensure that peak parking does not extend further into surrounding residential streets after the 114 spaces have been provided and following the opening of the swimming facility. Appropriate conditions of consent have been recommended which require the ongoing monitoring of traffic and parking within the site.

## **Development Control Plan No. 31 – Access**

This plan applies to land and buildings within the Ku-ring-gai local government area to which the general public “*has reasonable expectations for access*”, and would definitely include the proposed facility the subject of this report.

Of all of the aims of the Access DCP, aim (a) is the most significant and relevant to the subject application and which states:

“(a) *Ensure access for all to public buildings, community facilities and new developments, excluding dwelling-houses and dual occupancies but including all buildings and facilities owned or leased by Council.*”

Also, within Part 10 of the DCP, standards relating to access for people with a disability to certain types of development are provided. With respect to accessibility to areas of open space the DCP requires access “*to and within the facilities provided, which may include consideration of public toilets, kiosks, shelters and rest seats, accessible paving, ramp, entrances and signage to public open spaces.*”

The proposed facility, when completed, will be much more accessible to persons with a disability than the current facility. The assessment of the development plans by Equal Access P/L has been addressed previously in this report. They have undertaken a detailed audit of the building and works have recommended proposed conditions which have been included in the recommended conditions of consent.

A peer review of the accessibility audit was subsequently undertaken by APD (Accessible Public Domain). The peer review was requested because from 1<sup>st</sup> May 2011, several other standards covering 'design for access and mobility' will be adopted by reference in the BCA Access Code, including Standards covering Tactile Ground Surface Indicators, Lifts and Parking. These Standards are known as the *Disability (Access to Premises - Buildings) Standards 2010 (DAPBS)*. Part D5 of the new Access Code relates to 'Accessible water entry/exit for swimming pools'.

The peer review compares the assessment of pre-DA drawings by Equal Access Pty Ltd against the DA-issue drawings as provided to APD, and AS1428.1-2001, and reports on any new requirements of AS 1428.2 - 2009, as appropriate. The review further develops the Equal Access assessment and comments on matters not previously covered.

A condition of consent has been recommended requiring that access and measures within the building be provided in accordance with this peer review. Demonstrated compliance with this condition shall be provided prior to the issue of an Occupation Certificate.

## **Development Control Plan No. 40 – Construction and Demolition Waste Management**

This DCP aims to facilitate sustainable waste management in accordance with principles of ecologically sustainable development.

A WMP has been submitted with the development application as required by Ku-ring-gai Council and is provided as ‘**Attachment M**’.

## **Development Control Plan No. 47 – Water Management**

Drainage requirements of the development proposal have been provided by way of the preparation of a detailed stormwater concept plan, prepared by Hughes Trueman P/L and which is provided as **Attachment D**.

Significant on-site detention is required with rainwater storage and reticulation being proposed. Stormwater discharge will be via an extensive filtration system so that water quality will significantly improve existing arrangements for the site.

In addition, Council's Engineering Assessment Team has raised no objection against the proposal, subject to conditions of consent.

The development is considered to adequately fulfil the aims, objectives and controls of this DCP.

## **Part 5 Legislation**

The development also involves the construction of some or part thereof of new car parking spaces on public land which is unzoned. This element of the development does not form part of this assessment and cannot be determined by the JRPP. Nevertheless, it is considered a relevant contextual matter for this report and consideration by the JRPP.

A detailed Review of Environmental Factors (REF) has been prepared pursuant to the requirement of Part 5 of the EP&A Act and is provided at **Attachment 8**. This included a cumulative impact assessment of all the proposed works. This review concludes that:

- There is not likely to be a significant effect on the environment and an environmental impact statement is not required.
- There is not likely to be a significant effect on threatened species, populations, ecological communities or their habitats and a species impact statement is not required
- The activity is not in respect of land that is, or is part of, critical habitat and a species impact statement is not required.

## **OTHER RELEVANT CONSIDERATIONS**

### **Likely impact on natural environment**

#### Flora and fauna

A detailed examination of the impact of the development on the existing flora and fauna on the site was undertaken by consultants Whelans In sites and Hayes Environmental inclusive of a 7 part test to determine if any threatened species will be affected by the development proposal. A copy is provided as '**Attachment F**'.

This report has concluded that *"Given the considerations outlined above, the proposed development on the subject site at West Pymble is not 'likely' to impose a 'significant effect' upon any 'threatened species, populations or ecological communities, or their habitats', pursuant to Section 5A of the EP&A Act."*

An independent assessment undertaken Ecological Consultants engaged by Council has confirmed that advice.

#### Soil and water quality

Water management measures have been detailed within the Stormwater Management Plan provided as **Attachment D**.

Having regard to identified mitigating measures in place, the redevelopment of the site is unlikely to have any detrimental impacts upon the water quality, either during construction or operational phases of the development.

#### Air quality

The development will in itself not generate any air pollution and will use highly efficient forms of lighting, heating and air conditioning to limit green house gas emissions in the generation of energy used on site.

#### Resource conservation

The proposed development is likely to have very large water and energy demands and is therefore a prime candidate for the implementation of principles related to ecologically sustainable development and energy efficiency performance. A review of the ESD features to be included as part of the development proposal was undertaken by consultants Umow Lai Enginuity and this is included as **'Attachment 9'**.

After the further discussion with the applicant, a schedule of ESD commitments was provided inclusive of:

- passive building design
- natural lighting
- adaptive mechanical design
- advanced building design
- water efficiency
- pool evaporation minimisation
- waste management
- sustainability displays

In addition, several other features including a cogeneration central plant system are nominated as a means of reducing energy demands. **Attachment 9** provides a list of those ESD commitments provide by applicant.

#### Riparian zone effects

The new on-site detention capacity and improved water quality devices are expected to improve the water quality of existing streams in the vicinity of the swimming pool.

Two of the extended car parking areas are located within a mapped riparian zone. The scale of these works is such that the implementation of appropriately stormwater management measures will ensure that no adverse impact occurs to that riparian zone.

### **Likely impact on built environment**

#### Bulk and scale

The development proposes a large built form that will present a significantly different visual presence in the built environment. However, the visual catchment of the development is very

limited by way of its central location within Bicentennial Park and the bushland setting within which site is located.

In any event, the design seeks to articulate the volume of the built form by presenting the new floor space into a series of linked but separate pavilions with low sloping skillion type roofs, where the elevations are clad in lightweight materials inclusive of significantly glazed areas, that serve to reduce the apparent volume of the built form.

The building's height, FSR, site coverage and setback are considered to be acceptable in the context of the site and its surrounds. Controls that determine built form are not applicable in the 6(a) zone. The building is considered to be of a quality contemporary design and a considerable improvement over the existing building.

#### Compatibility with adjacent land uses

The building is surrounded by dense vegetation and active and passive areas of open space and areas of various recreational uses. The development proposal is considered to be compatible with the surrounding existing land uses.

#### Landscaping

Despite the location of an existing ecological community being, Sydney Turpentine Ironbark Forests, the mandatory requirements of fulfilling section 5(A) of the EP&A Act and the requirement of submitting a 7-Part test has been satisfactorily addressed.

Significant amendments have been undertaken to ensure that remnant trees are protected and that the surrounding landscape of the new development is complimented with native plantings. These amendments have been demonstrated in the amending landscape plans which form part of the approved plans for development and have been conditioned accordingly.

#### Overshadowing

The proposed development will have no adverse affect upon the adjoining sites in terms of overshadowing or solar access.

#### Privacy

The privacy enjoyed by adjoining properties will not be adversely affected by the proposed development.

#### Views and vistas

No significant views will be affected by the development.

#### Noise

The development site is well removed from adjacent noise sensitive uses, which mitigates the potential to cause adverse acoustic impacts.

The extended facility will be accompanied by extended operating throughout the year, however much of this extended use will occur within the new built form and as such noise generation will be internalised without adverse impact to adjacent users.

Noise from the gymnasium will be addressed by subsequent development applications for occupation of that element of the facility.

## **Site design and internal design**

### Site, shape, orientation and location

It is considered that the proposed building addresses its primary street frontage within the park to achieve a positive relationship with the existing public domain.

### Site coverage and building footprint

The site coverage and building footprint has been designed to significantly improve the publicly available floor space of the building and therein improve its available facilities.

### Building appearance

The visual appearance of the proposed building, its bulk and scale are considered to be consistent with the desired future character of the area and also the applicable planning controls as required within the 6(a) zoning of the site.

### Building Code of Australia

The proposed design has been conditioned to comply with the provisions of the Building Code of Australia.

### Open space and landscaping

The proposed extent of landscaping accompanying this development proposal is considered to be more than sufficient. Despite the affectation on the existing natural bushland, the proposed plantings will provide a generous replacement of trees and shrubs which will embellish the site.

### Access, transport and traffic

Traffic and transport effects upon the site have been addressed within this report. Ongoing traffic and parking management plans will need to be undertaken by Council to ensure that movement to and from the site as well as traffic and parking availability within the site is not adversely affected by the proposed development.

## **Social and economic impacts**

### Disabled access

Accessibility for people with a disability will be consistent with current and future legislative requirements and has been conditioned accordingly.

### Security and crime prevention

The building design allows for good surveillance of most high use areas of the facility and this accompanied by an on-site operational presence by staff will ensure high levels of safety are achieved for facility users.

The development allows for casual surveillance of the public domain and improves pedestrian circulation between the existing parking area and the aquatic centre. There remains some concern about safety of pathways between some of the more remote parking areas and the aquatic facility, however, it is expected that these would only be required to be used during peak operations which typically occur during daylight hours and as such overcomes much of that concern.



Appropriate levels of illumination for the core car parking areas adjacent to the aquatic centre will be required to be demonstrated at the Construction Certificate phase of the development to ensure patron security is achieved.

### Economic considerations

Economic benefits of the development have been described previously within this report. The development will provide an immediate economic benefit during its construction phase and will provide a longer lasting benefit to the future employees of the centre.

### **Suitability of the site for development**

Having regard to the above assessment, the development proposal is considered suitable for the site for the following reasons:

- The subject site is already utilised for the purposes of an aquatic recreational facility
- The proposed development is permissible under the provisions of the relevant existing and proposed planning legislation of Ku-ring-gai Council;
- The proposed development is consistent with the existing desired and future character controls and objectives stated within the existing planning controls;
- The development has been designed to minimise its overall impact upon the residential amenity of surrounding residential properties;
- The site is well serviced by the existing road network and is in good proximity to public transport;
- Except for bushfire affectations, the site is not affected by any natural hazards or constraints that would prevent or restrict its ability to be used for the purposes of the intended development;
- The location of the development is not considered to be within an area regarded as 'environmentally sensitive'. The adjoining STIF community and riparian zone will be protected during the construction and future use of the site.
- The site does not adversely impact upon any item of environmental heritage on the site, or in its close proximity;
- The site is capable of being developed for its intended purpose.

### **CONCLUSION**

Having regard to the provisions of Sections 79C of the Environmental Planning and Assessment Act 1979, and for the reasons detailed in this report, the proposed development is considered to be satisfactory. Therefore, it is recommended that the application be granted approval, subject to the following recommended conditions of consent.

### **RECOMMENDATION**

#### **PURSUANT TO SECTION 80(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

- A. That the Sydney West Joint Regional Planning Panel grant development consent to Development Application No.727/10 for the redevelopment of the West Pymble Pool complex

and to undertake construction of a new multi-purpose community facility building with associated parking within the area known as Bicentennial Park at No. 2 Lofberg Road, West Pymble, subject to the following conditions.

**SCHEDULE A - The standard conditions of consent are set out as follows:**

**CONDITIONS THAT IDENTIFY APPROVED PLANS:**

**1. Approved architectural plans and documentation**

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
Site plan – DA01 – Issue L	Suters	4/03/11
Demolition plan – DA02 – Issue F	Suters	2/03/11
Lower ground floor plan – DA03 – Issue L	Suters	2/03/11
Ground floor plan – DA04 – Issue H	Suters	2/03/11
Roof plan – DA05 – Issue G	Suters	22/03/11
Sections – DA06 – Issue G	Suters	22/03/11
Elevations – DA07 – Issue D	Suters	22/03/11
Elevational views – DA08 – Issue C	Suters	3/3/11
Environmental site management plan – DA 14 – Issue C	Suters	2/03/11
Drawing No. DA-0901-02 Landscape planting plan	STURT Associates	15/03/11
CP1A Area 1A proposed conversion of car parking to accessible parking – Revision 3	Ku-ring-gai Council	24/02/11
CP2 & 3 Areas 2& 3 Additional Parking – Revision 3	Ku-ring-gai Council	24/02/11
CP4 Area 4 Additional Parking – Revision 5	Ku-ring-gai Council	24/02/11
Area 5 Potential future widening of Prince of Wales Drive – Revision 3	Ku-ring-gai Council	24/2/11
CP6 Area 6 proposed formalisation of angle parking at Norman Griffiths Oval – Revision 3	Ku-ring-gai Council	24/2/11
CP7 Area 7 proposed formalisation of angle parking adjacent to Loftberg Oval – Revision 3	Ku-ring-gai Council	24/2/11
Traffic Signs Added – Revision 3	Ku-ring-gai Council	24/02/11
08P172 – DAC105 General Notes and Legends – Revision C	Hughes Trueman	24/02/11
08P172 – DAC110 Sediment and Erosion Control Plan and Details – Revision C	Hughes Trueman	24/02/11
08P172 – DAC120 Siteworks and Stormwater Plan Management Plan	Hughes Trueman	24/02/11

– Revision F		
08P172 – DAC130 Siteworks and Stormwater Details – Revision C	Hughes Trueman	24/02/11
Waste Management Plan	Suters	Lodged 5/10/2010
Bushfire Compliance Report	Bushfire Safety Solutions	14/09/10

**Reason:** To ensure that the form of the development undertaken is in accordance with the determination.

## 2. Future use of ancillary facilities

This development consent is for the redevelopment of the West Pymble Pool complex and to undertake construction of a new multi-purpose community facility building with associated parking. The following specified part(s) or aspect(s) of the development require the submission of a separate development application to Council:

- Fitout and use of the gymnasium and child-minding facility
- Fitout and use of the cafe.

**Reason:** To ensure that the development is in accordance with the determination.

## 3. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

**Reason:** To ensure that the development is in accordance with the determination.

## 4. Compliance with BCA

All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.

**Reason:** Statutory requirement

## 5. No demolition of extra fabric

Demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building/s which are shown to be retained.

**Reason:** To ensure compliance with the development consent.

## CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:

## 6. Road opening permit

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a road opening permit being obtained from Council (upon payment of the required fee) beforehand.

**Reason:** Statutory requirement (Roads Act 1993 Section 138) and to maintain the integrity of Council's infrastructure.

## 7. Notice of commencement

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

**Reason:** Statutory requirement.

## 8. Notification of builder's details

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor license number of the owner/builder intending to carry out the approved works.

**Reason:** Statutory requirement.

## 9. Dilapidation photos (public infrastructure)

Prior to the commencement of any works on site, the applicant must submit to Ku-ring-gai Council and the Principal Certifying Authority a photographic record on the visible condition of the existing public infrastructure of Loftberg Rd between the intersection of Prince of Wales Drive and Ryde Rd (in colour - preferably saved to cd-rom in 'jpg' format). The photos must include detail of:

- The existing footpath
- The existing kerb and gutter
- The existing full road surface between kerbs
- The existing verge area
- The existing driveway and layback where to be retained
- Any existing drainage infrastructure including pits, lintels, grates.

Particular attention must be paid to accurately recording any pre-developed damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any works.

**Reason:** To protect public infrastructure

## 10. Construction and traffic management plan

Prior to the commencement of any works on site, the applicant must submit for review by Council's engineers a Construction and Traffic Management Plan (CTMP). The following matters must be

specifically addressed in the plan:

The plan is to consist of a report with Traffic Control Plans attached.

The report is to contain commitments which must be followed by the demolition and excavation contractor, builder, owner and subcontractors. The CTMP applies to all persons associated with demolition, excavation and construction of the development.

The report is to contain construction vehicle routes for approach and departure to and from all directions.

The report is to contain a site plan showing entry and exit points. Swept paths are to be shown on the site plan showing access and egress for an 11 metre long heavy rigid vehicle.

The Traffic Control Plans are to be prepared by a qualified person (red card holder). One must be provided for each of the following stages of the works:

- Demolition
- Excavation
- Concrete pour
- Construction of vehicular crossing and reinstatement of footpath
- Traffic control for vehicles reversing into or out of the site.

Traffic controllers must be in place at the site entry and exit points to control heavy vehicle movements in order to maintain the safety of pedestrians and other road users.

When a satisfactory CTMP is received, a letter of approval will be issued with conditions attached. Traffic management at the site must comply with the approved CTMP as well as any conditions in the letter issued by Council. Council's Rangers will be patrolling the site regularly and fines will be issued for any non-compliance with this condition.

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

## 11. Temporary construction exit

A temporary construction exit, together with necessary associated temporary fencing, shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

**Reason:** To reduce or eliminate the transport of sediment from the construction site onto public roads.

## 12. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction''. The erosion controls shall be maintained in an operational condition until the development activities

have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

**Reason:** To preserve and enhance the natural environment.

### 13. Erosion and drainage management

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority.

**Reason:** To preserve and enhance the natural environment.

### 14. Arborist's report

The trees to be retained shall be inspected, monitored and treated by a qualified arborist during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the arborist to the Principal Certifying Authority are required at the following times or phases of work. An arborist report of the pool area has been prepared by TALC dated February 2011 and an arborist report of the carpark areas has been prepared and by Raintree Consulting dated March 2011, has been submitted with the application. Tree numbers refer to the submitted plans and these reports.

#### Schedule

##### Tree/location

##### Time of inspection

<i>Eucalyptus pilularis</i> (blackbutt) tree 1	Demolition, excavation for building and entry path retaining wall, roof installation
<i>Eucalyptus pilularis</i> (blackbutt) tree 2	Demolition, excavation for building
<i>Eucalyptus pilularis</i> (blackbutt) tree 3	Demolition, excavation for building
<i>Angophora costata</i> (sydney red gum) tree 24	Excavation for building, excavation for structural supports, roof installation
<i>Angophora costata</i> (sydney red gum) tree 24a	Excavation for building, excavation for structural supports, roof installation
<i>Eucalyptus saligna</i> (sydney blue gum) tree 30	Paving levels pool surrounds
<i>Liquidambar styraciflua</i> (liquidambar) tree 32	Paving levels to pool surrounds, excavation for stormwater
<i>Fraxinus excelsior</i> (ash) trees 33-34	Paving levels to pool surrounds, excavation for stormwater
<i>Koelreutaria paniculata</i> (golden rain tree) trees 35	Paving levels to pool surrounds, excavation for stormwater
<i>Eucalyptus saligna</i> (sydney blue gum) tree 45	Path levels
<i>Eucalyptus resinifera</i> (red mahogany) tree 52	Setout and new carpark surfacing
<i>Eucalyptus pilularis</i> (blackbutt) tree 53	Setout and new carpark surfacing
<i>Eucalyptus resinifera</i> (red mahogany) tree 69	Setout and new carpark surfacing
<i>Angophora costata</i> (sydney red gum) tree 70	Setout and new carpark surfacing
<i>Syncarpia glomulifera</i> (turpentine) tree 71	Setout and new carpark surfacing
<i>Eucalyptus saligna</i> (sydney blue gum) tree 72	Setout and excavation for boardwalk posts

<i>Eucalyptus pilularis</i> (blackbutt) tree 74	Setout and excavation for boardwalk posts
Mixed stand of native trees/tree 75	Setout and excavation for boardwalk posts
<i>Eucalyptus piperita</i> (sydney peppermint) tree 76	Setout and minor excavation for carpark
<i>Eucalyptus saligna</i> (sydney blue gum) tree 80	Setout and minor excavation for carpark
<i>Lophostemon confertus</i> (brushbox) tree 91	Setout and minor excavation for carpark
<i>Syncarpia glomulifera</i> (turpentine) tree 93	Setout and minor excavation for carpark
<i>Syncarpia glomulifera</i> (turpentine) tree 95	Setout and minor excavation for road widening
Mixed stand of native trees/tree 99	Setout of roadworks
<i>Eucalyptus pilularis</i> (blackbutt) tree 100	Setout and new carpark space
<i>Eucalyptus pilularis</i> (blackbutt) tree 101	Setout and new carpark space
<i>Syncarpia glomulifera</i> (turpentine) tree 102	Setout and minor excavation for road widening
<i>Eucalyptus pilularis</i> (blackbutt) tree 103	Setout and new carpark space
<i>Syncarpia glomulifera</i> (turpentine) tree 104	Setout and new carpark space
<i>Syncarpia glomulifera</i> (turpentine) tree 105	Setout and new carpark space
<i>Eucalyptus resinifera</i> (red mahogany) tree 106	Setout and new carpark space
<i>Syncarpia glomulifera</i> (turpentine) tree 114	Setout and new carpark space
<i>Eucalyptus pilularis</i> (blackbutt) tree 116	Setout and new carpark space
<i>Eucalyptus pilularis</i> (blackbutt) tree 117	Setout and new carpark space

## 15. Treatment of tree roots

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced arborist/horticulturist with a minimum qualification of horticulture certificate or tree surgery certificate

**Reason:** To protect existing trees.

## 16. Excavation near trees

No mechanical excavation for the building shall be undertaken within the specified radius of the trunk(s) of the following tree(s) until root pruning by hand along the perimeter line of such works is completed:

### Schedule

Tree/location	Radius from trunk
<i>Eucalyptus pilularis</i> (blackbutt) tree 1	10m
<i>Angophora costata</i> (sydney red gum) tree 24	8m
<i>Angophora costata</i> (sydney red gum) tree 24a	6m

**Reason:** To protect existing trees.

## 17. Cutting of tree roots

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk(s) of the following, tree(s) shall be severed or injured in the process of any works during the construction period.

#### **Schedule**

<b>Tree/location</b>	<b>Radius from trunk</b>
<i>Eucalyptus pilularis</i> (blackbutt) tree 1	10m
<i>Eucalyptus pilularis</i> (blackbutt) tree 2	7m
<i>Eucalyptus pilularis</i> (blackbutt) tree 3	6m
<i>Angophora costata</i> (sydney red gum) tree 24	5.4m
<i>Angophora costata</i> (sydney red gum) tree 24a	4.8m
<i>Eucalyptus saligna</i> (sydney blue gum) tree 30	10.8m
<i>Liquidambar styraciflua</i> (liquidambar) tree 32	9m
<i>Fraxinus excelsior</i> (ash) trees 33-34	7m
<i>Koelreutaria paniculata</i> (golden rain tree) trees 35	4m
<i>Eucalyptus saligna</i> (sydney blue gum) tree 45	10m
<i>Eucalyptus resinifera</i> (red mahogany) tree 52	9m
<i>Eucalyptus pilularis</i> (blackbutt) tree 53	8m
<i>Eucalyptus resinifera</i> (red mahogany) tree 69	5m
<i>Angophora costata</i> (sydney red gum) tree 70	4.2m
<i>Syncarpia glomulifera</i> (turpentine) tree 71	2.4m
<i>Eucalyptus saligna</i> (sydney blue gum) tree 72	7.2m
<i>Eucalyptus pilularis</i> (blackbutt) tree 74	4.2m
Mixed stand of native trees/tree 75	2m
<i>Eucalyptus piperita</i> (sydney peppermint) tree 76	6m
<i>Eucalyptus saligna</i> (sydney blue gum) tree 80	9.6m
<i>Lophostemon confertus</i> (brushbox) tree 91	10.2m
<i>Syncarpia glomulifera</i> (turpentine) tree 93	9m
<i>Syncarpia glomulifera</i> (turpentine) tree 95	10.8m
Mixed stand of native trees/tree 99	3m
<i>Eucalyptus pilularis</i> (blackbutt) tree 100	13.2m
<i>Eucalyptus pilularis</i> (blackbutt) tree 101	15m
<i>Syncarpia glomulifera</i> (turpentine) tree 102	6m
<i>Eucalyptus pilularis</i> (blackbutt) tree 103	10.8m
<i>Syncarpia glomulifera</i> (turpentine) tree 104	4.2m
<i>Syncarpia glomulifera</i> (turpentine) tree 105	6m
<i>Eucalyptus resinifera</i> (red mahogany) tree 106	10.2m
<i>Syncarpia glomulifera</i> (turpentine) tree 114	13.8m
<i>Eucalyptus pilularis</i> (blackbutt) tree 116	15m
<i>Eucalyptus pilularis</i> (blackbutt) tree 117	5.4

**Reason:** To protect existing trees.

#### **18. Hand excavation**

All excavation within the specified radius of the trunk(s) of the following tree(s) shall be hand dug:

#### **Schedule**

<b>Tree/location</b>	<b>Radius from trunk</b>
<i>Eucalyptus pilularis</i> (blackbutt) tree 1	10m
<i>Eucalyptus pilularis</i> (blackbutt) tree 2	7m
<i>Eucalyptus pilularis</i> (blackbutt) tree 3	6m



<i>Angophora costata</i> (sydney red gum) tree 24	5.4m
<i>Angophora costata</i> (sydney red gum) tree 24a	4.8m
<i>Eucalyptus saligna</i> (sydney blue gum) tree 30	10.8m
<i>Liquidambar styraciflua</i> (liquidambar) tree 32	9m
<i>Fraxinus excelsior</i> (ash) trees 33-34	7m
<i>Koelreutaria paniculata</i> (golden rain tree) trees 35	4m
<i>Eucalyptus saligna</i> (sydney blue gum) tree 45	10m
<i>Eucalyptus resinifera</i> (red mahogany) tree 52	9m
<i>Eucalyptus pilularis</i> (blackbutt) tree 53	8m
<i>Eucalyptus resinifera</i> (red mahogany) tree 69	5m
<i>Angophora costata</i> (sydney red gum) tree 70	4.2m
<i>Syncarpia glomulifera</i> (turpentine) tree 71	2.4m
<i>Eucalyptus saligna</i> (sydney blue gum) tree 72	7.2m
<i>Eucalyptus pilularis</i> (blackbutt) tree 74	4.2m
Mixed stand of native trees/tree 75	2m
<i>Eucalyptus piperita</i> (sydney peppermint) tree 76	6m
<i>Eucalyptus saligna</i> (sydney blue gum) tree 80	9.6m
<i>Lophostemon confertus</i> (brushbox) tree 91	10.2m
<i>Syncarpia glomulifera</i> (turpentine) tree 93	9m
<i>Syncarpia glomulifera</i> (turpentine) tree 95	10.8m
Mixed stand of native trees/tree 99	3m
<i>Eucalyptus pilularis</i> (blackbutt) tree 100	13.2m
<i>Eucalyptus pilularis</i> (blackbutt) tree 101	15m
<i>Syncarpia glomulifera</i> (turpentine) tree 102	6m
<i>Eucalyptus pilularis</i> (blackbutt) tree 103	10.8m
<i>Syncarpia glomulifera</i> (turpentine) tree 104	4.2m
<i>Syncarpia glomulifera</i> (turpentine) tree 105	6m
<i>Eucalyptus resinifera</i> (red mahogany) tree 106	10.2m
<i>Syncarpia glomulifera</i> (turpentine) tree 114	13.8m
<i>Eucalyptus pilularis</i> (blackbutt) tree 116	15m
<i>Eucalyptus pilularis</i> (blackbutt) tree 117	5.4

**Reason:** To protect existing trees.

#### **19. No storage of materials beneath trees**

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

**Reason:** To protect existing trees.

#### **20. Removal of refuse**

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

**Reason:** To protect the environment.

#### **21. Site arborist**

All trees that are to be removed are to be clearly marked on site by the site arborist in accordance with the approved plans. All other trees are to be retained.

**Reason:** To protect existing trees during the construction phase.

## 22. Tree protection fencing

To preserve the following tree/s, no work shall commence until the area beneath their canopy is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

### Schedule

Tree/location	Radius from trunk
<i>Eucalyptus pilularis</i> (blackbutt) tree 1	As shown on Site Management Plan
<i>Eucalyptus pilularis</i> (blackbutt) tree 2	As shown on Site Management Plan
<i>Eucalyptus pilularis</i> (blackbutt) tree 3	As shown on Site Management Plan
<i>Angophora costata</i> (sydney red gum) tree 24	5.4m
<i>Angophora costata</i> (sydney red gum) tree 24a	4.8m
<i>Eucalyptus saligna</i> (sydney blue gum) tree 30	10.8m
<i>Liquidambar styraciflua</i> (liquidambar) tree 32	As shown on Site Management Plan
<i>Fraxinus excelsior</i> (ash) trees 33-34	3m
<i>Koelreutaria paniculata</i> (golden rain tree) trees 35	3m
<i>Eucalyptus saligna</i> (sydney blue gum) tree 45	As shown on Site Management Plan
<i>Eucalyptus resinifera</i> (red mahogany) tree 52	Tree fencing to be placed along entire length of eastern edge of existing access road from Prince of Wales Drive.
<i>Eucalyptus pilularis</i> (blackbutt) tree 53	Tree fencing to be placed along entire length of eastern edge of existing access road from Prince of Wales Drive.
Mixed stand of native trees/tree 99	Tree fencing to follow the site boundary between Prince of Wales Drive and Tree 110
<i>Eucalyptus pilularis</i> (blackbutt) tree 100	Tree fencing to follow the site boundary between Prince of Wales Drive and Tree 110
<i>Eucalyptus pilularis</i> (blackbutt) tree 101	Tree fencing to follow the site boundary between Prince of Wales Drive and Tree 110
<i>Syncarpia glomulifera</i> (turpentine) tree 102	Tree fencing to follow the site boundary between Prince of Wales Drive and Tree 110
<i>Eucalyptus pilularis</i> (blackbutt) tree 103	Tree fencing to follow the site boundary between Prince of Wales Drive and Tree 110
<i>Syncarpia glomulifera</i> (turpentine) tree 104	Tree fencing to follow the site boundary between Prince of Wales Drive and Tree 110
<i>Syncarpia glomulifera</i> (turpentine) tree 105	Tree fencing to follow the site boundary between Prince of Wales Drive and Tree 110

<i>Eucalyptus resinifera</i> (red mahogany) tree 106	110 Tree fencing to follow the site boundary between Prince of Wales Drive and Tree 110
<i>Syncarpia glomulifera</i> (turpentine) tree 114	13.8m
<i>Eucalyptus pilularis</i> (blackbutt) tree 116	15m
<i>Eucalyptus pilularis</i> (blackbutt) tree 117	5.4

**Reason:** To protect existing trees during the construction phase.

### 23. Tree protection fencing excluding structure

To preserve the following tree/s, no work shall commence until the area beneath their canopy excluding that area of the proposed carpark shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

#### Schedule

Tree/location	Radius from trunk
<i>eucalyptus resinifera</i> (red mahogany) tree 69	5m
<i>angophora costata</i> (sydney red gum) tree 70	4.2m
<i>syncarpia glomulifera</i> (turpentine) tree 71	2.4m
<i>eucalyptus piperita</i> (sydney peppermint) tree 76	6m
<i>eucalyptus saligna</i> (sydney blue gum) tree 80	9.6m
<i>lophostemon confertus</i> (brushbox) tree 91	10.2m
<i>syncarpia glomulifera</i> (turpentine) tree 93	9m
<i>syncarpia glomulifera</i> (turpentine) tree 95	10.8m
<i>syncarpia glomulifera</i> (turpentine) tree 114	13.8m
<i>eucalyptus pilularis</i> (blackbutt) tree 116	15m
<i>eucalyptus pilularis</i> (blackbutt) tree 117	5.4

**Reason:** To protect existing trees during the construction phase.

### 24. Tree protection signage

Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

- tree protection zone
- this fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report
- the arborist's report shall provide proof that no other alternative is available
- the arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council
- The name, address, and telephone number of the developer.

**Reason:** To protect existing trees during the construction phase.

## **25. Tree protection mulching**

Prior to works commencing and throughout construction, the area of the tree protection zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

**Reason:** To protect existing trees during the construction phase.

## **26. Trunk protection**

To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metres lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm wide spacing over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site.

Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

### **Schedule**

#### **Tree/location**

*Eucalyptus resinifera (Red Mahogany) Tree 52*

**Reason:** To protect existing trees during the construction phase.

## **27. Tree fencing inspection**

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

**Reason:** To protect existing trees during the construction phase.

## **28. Boundary fence adjoining a reserve**

A permanent, 1.5 metres high, cyclone wire boundary fence, shall be constructed along the common boundary with the Ku-ring-gai Bicentennial Park prior to any work commencing.

**Reason:** To protect the adjoining reserve.

## **29. Construction waste management plan**

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management.

The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

**Note:** The plan shall be provided to the Certifying Authority.

**Reason:** To ensure appropriate management of construction waste.

### 30. Noise and vibration management plan

Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority. The management plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and Ku-ring-gai Council's Code for the Control and Regulation of Noise on Building Sites. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

The management plan shall address, but not be limited to, the following matters:

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints
- compliance with Council's Code for the Control and Regulation of Noise on Building Sites

**Reason:** To protect the amenity afforded to surrounding residents during the construction process.

### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:**

#### 31. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to

Council.

**Reason:** Statutory requirement.

### 32. Outdoor lighting

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that all outdoor lighting within the perimeter of the pool complex will comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

**Note:** Details demonstrating compliance with these requirements are to be submitted prior to the issue of a Construction Certificate.

**Reason:** To provide high quality external lighting for security without adverse effects on public amenity from excessive illumination levels.

### 33. Access for people with disabilities (commercial)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities from the public domain and nominated accessible car parking areas on site to the building is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12. The developer shall also have regard to the recommendations of the Access Audit Peer Review prepared by APD dated 25 February 2011.

**Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian standards.

### 34. Stormwater management plan

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, scaled construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- exact location and reduced level of discharge point to the public drainage system;
- layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence);
- location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems and where proprietary products are to be used, manufacturer specifications or equivalent shall be provided;

- specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments;
- details of the required on-site detention tanks required by Ku-ring-gai Water Management DCP 47, including dimensions, materials, locations, orifice and discharge control pit details as required (refer Chapter 6 and Appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements)

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on Drawings 08P172 - DAC105/B, DAC110/B and DAC120/D by Hughes Trueman submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

**Reason:** To protect the environment.

### 35. Traffic modelling

One year after the completion and occupation of the new car parking area (70 spaces) a report is to be prepared by the applicant, and forwarded to the RTA, reviewing the crash history at the intersection of Lofberg Ave and Ryde Road identifying any road safety improvements that may be need to be implemented. If required, these works should be undertaken by the applicant at no cost to the RTA.

**Reason:** To ensure that safe vehicular access to the site and local traffic network is maintained.

### 36. Car parking details

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications have been prepared by a qualified consulting engineer for the new carparking areas and road widening, where inside the boundaries of the property. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required:

- provision of additional carparking, including pavement design, retaining structures and any drainage works required
- widening of Prince of Wales Drive at the intersection with Lofberg Road

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998).

A minimum of three (3) weeks will be required for Council to assess the application. Early submission of the application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of

the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

**Reason:** To ensure that parking spaces are in accordance with the approved development.

### 37. Submission of a parking management plan and operational management plan

1. The parking management plan shall be implemented and monitored by surveys at peak times on weekends every three (3) months over a one year period and a report shall be prepared for the consideration of Council's Traffic Committee after 12 months. Any amendments required by the Committee shall be incorporated into a revised plan. Such plan shall be monitored annually thereafter and refined as necessary; and
2. In the event that parking demands associated with Bicentennial Park exceeds the available supply and results in significantly adverse parking impacts, an operational management plan shall be prepared to identify measures to mitigate such parking demands. This shall include, but not be limited to, the introduction of a travel access guide for use by staff and patrons of all facilities to maximise alternate (non car) travel modes, the rostering of activities to reduce peak overlaps, additional onstreet parking controls to protect residents and the potential for additional parking.

**Reason:** To ensure that sufficient parking is available for the development during peak periods.

### 38. Ecologically sustainable development

The developer shall demonstrate, to the satisfaction of Council, how the ESD initiatives identified in report prepared by Unmow Lai Enginuity P/L dated 22 November 2010 and 25 January 2011, are to be implemented as part of detailed design of the development.

**Reason:** To ensure satisfactory incorporation of ESD principles within the development.

### 39. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required:

- new carparking areas where outside the boundary of the site
- widening of the intersection of Prince of Wales Drive with Lofberg Road.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works,



erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

**Reason:** To ensure that the plans are suitable for construction purposes.

#### 40. Energy Australia requirements

Prior to issue of the Construction Certificate, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

**Reason:** To ensure compliance with the requirements of Energy Australia.

#### 41. Utility provider requirements

Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

**Reason:** To ensure compliance with the requirements of relevant utility providers.

#### 42. Underground services

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provided. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

**Reason:** To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.

#### **43. Amendments to approved environmental site management plan**

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved site management plan, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

<b><i>Plan no.</i></b>	<b><i>Drawn by</i></b>	<b><i>Dated</i></b>
DA14 Rev C	Suters	2/3/11

The above site management plan (s) shall be amended in the following ways:

1. Site access via the existing public footpath along the western boundary of the site is not permitted under this application.
2. Tree fencing to be amended in accordance with conditions. Where tree protection fencing is shown to canopy spread, additional trunk protection is to be deleted.
3. The proposed upstream runoff along the western boundary of the site is to be directed into the existing open channel to the south of the existing hump. No runoff is to be directed towards the tree protection zones for Trees 1, 2 and 3 or across the Temporary access road.
4. To preserve site biodiversity and riparian zones, the sediment barrier is to be secured along the entire length of all areas of proposed carpark works including to the proposed contractors compound. The sediment barrier is to be relocated to follow the eastern edge of the existing access road to Area 2.
5. To preserve the health and condition of the existing trees on the site and on the adjoining sites and to maintain natural soil profiles to building surrounds, a shoring system is to be shown in accordance with Part 4.2, Geotechnical Report, Jeffery and Katauskas, 24 June 2009, along the northern elevation of the proposed pool building. The excavation method shall be detailed on the plan to ensure that no excavation occurs outside of the line of the proposed building footprint. Battering or other methods which would result in excavation beyond the building footprint are not permitted under this application.

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the site management plan has been amended as required by this condition.

**Note:** An amended site management plan shall be submitted to the Certifying Authority.

**Reason:** To ensure that the development is in accordance with the determination.

#### **44. Amendments to approved carpark plans**

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved carpark plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
DA0727/10 – CP1 Rev 3	Ku-ring-gai Council	24/02/11
DA0727/10 – CP1A Rev 3	Ku-ring-gai Council	24/02/11
DA0727/10 – CP2 and 3 Rev 3	Ku-ring-gai Council	24/02/11
DA0727/10 – CP4 Rev 5	Ku-ring-gai Council	24/02/11
DA0727/10 – Area 5 Rev 3	Ku-ring-gai Council	24/02/11
DA0727/10 – CP6 Rev 3	Ku-ring-gai Council	24/02/11
DA0727/10 – CP7 Rev 3	Ku-ring-gai Council	24/02/11

The above carpark plan (s) shall be amended in the following ways:

1. To preserve health and condition of the following tree/s, the proposed seven (7) no angle parking areas to the east of Tree 103 are to be reconfigured as 4 no parallel parking spaces and to encroach no closer than 2.5m from existing edge of bitumen.

#### **Schedule**

<b>Tree/location</b>	<b>Radium from trunk</b>
<i>Eucalyptus pilularis</i> (blackbutt) Tree 100	13.2m
<i>Eucalyptus pilularis</i> (blackbutt) Tree 101	15m
<i>Syncarpia glomulifera</i> (turpentine) Tree 102	6m
<i>Eucalyptus pilularis</i> (blackbutt) Tree 103	10.8m

2. To preserve health and condition of the following tree, three car spaces to the east of the existing gate access to Lofberg Oval are to be deleted and reconfigured as a planting island.

#### **Schedule**

<b>Tree/location</b>
<i>Eucalyptus Pilularis</i> (Blackbutt) Tree 116

3. A separate Landscape Plan for each carpark area shall be provided including the following,
  - detail design of all carpark works proposed in association with the above development, including finished levels and surface materials.
  - To preserve the core riparian zone adjacent to Carpark Areas 2 and 3, all disturbed areas are to be restabilised with locally occurring trees, shrubs and groundcovers at appropriate densities. Minimum 2 metres width of planting to be provided to edge of carpark areas.
  - To preserve the biodiversity of the site, the proposed car park edge works should address issues of weed control, access management, stormwater control, soil erosion and stabilisation and planting in accordance with Best Practice Guidelines for STIF (DECC, 2008).

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the site management plan has been amended as required by this condition.

**Note:** An amended site management plan shall be submitted to the Certifying Authority.

**Reason:** To ensure that the development is in accordance with the determination.

#### **45. Amendments to approved landscape plan/s**

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved landscape plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
DA-0901-02 Rev A	Sturt Associates	24/02/11

The above landscape plan(s) shall be amended in the following ways:

#### **Landscape plan - pool**

- Existing and proposed levels are to be shown to all external soft and hard landscape areas including entry paths, entry, surrounds of lower level entry area and indoor pool building and to surrounds of existing Learn to Swim Pool. Detailed levels to site entry to be demonstrate compliance with disabled access standards between disabled car spaces and building entry and in accordance with Access Report recommendations. All retaining walls to show top of wall levels in accordance with architectural plans and Plan no. DA0727/10-CP1 Rev 3. To ensure legibility, separate landscape hardworks and softworks plans, at minimum 1:200 scale, are to be provided.
- Levels to be amended to be in accordance with approved architectural plans including levels to entry path, and path in vicinity of Tree 45.
- Landscape plans for pool area should include all proposed stormwater works as per hydraulic plans including pits and tanks including top of pit levels.
- Proposed planting of one (1) *Glochidion ferdinandi* (Cheese tree) at the south-western corner of existing 50m pool to be substituted with a smaller tree such as *Elaeocarpus reticulatus* (Blueberry Ash) or similar.
- To comply with RFS guidelines for inner protection area, the proposed planting of *Angophora floribunda* (Rough barked Apple) to pool surrounds are to be replaced with a smooth-barked species such as *Angophora costata* (Sydney Red Gum).
- Tree numbers to be shown in accordance with arborist reports.
- Proposed site fencing to proposed pool area to be shown on Landscape Hardworks plan.
- Contours to be numbered on all landscape plans.
- Proposed canopy tree planting to pool area should comply with recommendations of Bushfire Report including a 5m canopy clearance from buildings and maintenance of the open area around the building as an inner protection area.
- To preserve the following trees, all paving levels within the specified radius of the tree, shall be set above grade on a porous subbase to avoid excavation within the structural root zones in accordance with Arborist recommendations:

#### **Schedule**

<b>Tree/location</b>	<b>Radius from trunk</b>
<i>Liquidambar styraciflua</i> (Liquidambar) Tree 32	9m

<i>Fraxinus excelsior</i> (ash) trees 33	7m
<i>Fraxinus excelsior</i> (ash) trees 34	7m
<i>Koelreutaria paniculata</i> (golden rain tree) trees 35	4m
<i>Eucalyptus saligna</i> (sydney blue gum) tree 45	9.6m

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the landscape plan has been amended as required by this condition.

**Note:** An amended landscape plan, prepared by a landscape architect or qualified landscape designer shall be submitted to the Certifying Authority.

**Reason:** To ensure that the development is in accordance with the determination.

#### 46. Excavation for services

Prior to demolition, excavation or construction (whichever comes first), the Principal Certifying Authority shall be satisfied that no proposed underground services (ie. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

**Note:** A plan detailing the routes of these services and trees protected under the Tree Preservation Order, shall be submitted to the Principal Certifying Authority.

**Reason:** To ensure the protection of trees.

#### 47. Archival recording of buildings

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that an archival report has been submitted to Council's Heritage Advisor.

The report must consist of an archival standard photographic record of the building (internally and externally), its garden and views of it from the street illustrating its relationship to neighbouring properties and the streetscape. Recording shall be undertaken in accordance with the guidelines for "Photographic Recording of Heritage Items Using Film or Digital Capture (2006)" prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of photographs, referenced to plans of the site. Two (2) copies (one (1) copy to include negatives or CD of images shall be submitted to Council's Heritage Advisor. The recording document will be held in the local studies collection of Ku-ring-gai Library, the local historical society and Council's files.

**Note:** A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works.

**Reason:** To ensure the proper management of historical artefacts and to ensure their preservation.

#### 48. Archaeological survey

Prior to commencement of any development or excavation works, the Principal Certifying Authority shall be satisfied that an archaeological survey has been completed and submitted to Council's Heritage Advisor.

The survey shall be carried out by a qualified archaeologist and shall identify the likelihood of remains and/or artefacts, whether European or Aboriginal, being present on site.

If this report identifies that such items are likely to be on site, demolition, earthworks and excavation shall be undertaken under the direct supervision of the consultant archaeologist. An excavation permit under S 140 of the Heritage Act may be required if it is likely relics will be uncovered.

In the event that remnants or artefacts are found during the progression of works on the site, excavation or disturbance of the area is to stop immediately. In accordance with section 146(a) of the 'Heritage Act, 1977' the Applicant must ensure the Heritage Council of NSW is notified within a reasonable time of the discovery or location of these relics. Archaeological assessment and approval, or endorsement, may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

A policy of managing the known relics and an interpretative strategy developed on how to interpret any relics found on the site must be developed and subject to separate approval by Council's Heritage Officer.

**Reason:** To comply with the provisions of the NSW Heritage Act and to ensure the proper management of relics and historical artefacts.

#### 49. Infrastructure restorations fee

To ensure that damage to Council Property as a result of construction activity is rectified in a timely manner:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance of this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- d) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

**Reason:** To maintain public infrastructure.

## CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES

### 50. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

**Reason:** Statutory requirement.

### 51. Hours of work

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 7.30am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon 1.00pm.

Where it is necessary for works to occur outside of these hours (ie) placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by the RTA from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site, approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

**Note:** Failure to obtain a permit to work outside of the approved hours will result in on the spot fines being issued.

**Reason:** To ensure reasonable standards of amenity for occupants of neighbouring properties.

## 52. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

**Reason:** To ensure that the development is in accordance with the determination.

## 53. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

**Reason:** To ensure compliance with the Australian Standards.

## 54. Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

**Reason:** To ensure reasonable standards of amenity to neighbouring properties.

## 55. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

**Reason:** To ensure public safety and public information.

## 56. Dust control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust



from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

**Reason:** To protect the environment and amenity of surrounding properties.

#### 57. Guarding excavations

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

**Reason:** To ensure public safety.

#### 58. Toilet facilities

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

**Reason:** Statutory requirement.

#### 59. Protection of public places

If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

**Reason:** To protect public places.

#### 60. Recycling of building material (general)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building

materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

**Reason:** To facilitate recycling of materials.

#### 61. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m<sup>2</sup>
- are removed within 14 days of the completion of all construction works

**Reason:** To ensure compliance with Council's controls regarding signage.

#### 62. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

**Reason:** To ensure safe public footways and roadways during construction.

#### 63. Temporary disposal of stormwater runoff

During construction, stormwater runoff must be disposed of in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

**Reason:** To preserve and enhance the natural environment.

#### 64. Sydney Water Section 73 Compliance Certificate

The applicant must apply for a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The applicant is to refer to "Your Business" section of Sydney Water's web site at

[www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-develop” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

**Reason:** Statutory requirement.

#### 65. Stockpiling of top soil

Top soil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil must be located outside drainage lines and tree canopies and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed fourteen (14) days, stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.

**Reason:** To protect the environment.

#### 66. Vegetating steep slopes

Constructed slopes greater than 1:3 gradient shall be vegetated immediately after earthworks are completed.

**Reason:** To protect the environment.

#### 67. Excavation of basement near existing vegetation

The upper 1.5 metres of the exposed face of the building excavation is to be covered with a biodegradable matting to buffer concrete contamination and drying of the root zone within specified radius of the tree.

##### **Schedule**

<b>Tree/location</b>	<b>Radius from trunk</b>
<i>Angophora costata</i> (Sydney Red Gum) Tree 24	6m
<i>Angophora floribunda</i> (rough barked apple) tree 24a	8m

**Reason:** To protect trees to be retained on site.

#### 68. Approved tree works

Approval is given for the following works to be undertaken to trees on the site:

##### **Schedule**

<b>Tree/Location</b>	<b>Approved tree works</b>
Only trees indicated on the Landscape Plan – Planting	Removal
Plan to be removed or marked as a cross on carpark plans are approved to be removed.	

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order.

**Reason:** To ensure that the development is in accordance with the determination.

## 69. On site retention of waste dockets

All demolition, excavation and construction waste dockets are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

- Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.
- This information is to be made available at the request of an Authorised Officer of Council.

**Reason:** To protect the environment.

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:**

## 70. Construction of building to comply with bushfire safety

Plans and specifications complying with the general performance provisions of Planning for Bushfire Protection 2006, the Building Code of Australia and AS3959-2009 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Occupation Certificate. Plans and specifications shall address the following:

- external wall cladding – toughened glazing and steel frame columns;
- steel roof cladding and concrete floors;
- secure, non-combustible flashing at roof intersections, with no gaps at roof cladding intersections;
- non-combustible external guttering and downpipes (where provided);
- steel mesh screens to be fitted to all windows and doors capable of being opened along the northern and western elevation (ground and first floor);
- the open areas surrounding the building being maintained as an inner protection area. This would include the aspects to the south and east of the building (within the actual swimming pool area);
- an asset protection zone being established within the adjoining western and northern aspects of the building such that, for at least 40m, the undergrowth is managed so as not to exceed 5t/ha of bushfire prone vegetation. Note: existing tree stands do not require removal, though branches within 5m of the proposed building should be trimmed so as to not overhang the building and maintained as part of the management of the 40m asset protection zone.
- The provision of a reticulated water supply system that is capable of providing emergency water supply for any bushfire protection activities. The reticulated water supply is to comply with the requirements of section 4.1.3 and acceptable solutions as prescribed for reticulated water supplies requiring the provision of a fire hydrant system that complies with AS2419.1-2005.
- The provision of a fire hose capable of reaching all elevations of the building. Note: the fire hose should be a rubber hose of approximately minimum 18mm diameter and located away from the northern and western elevations.
- Vehicle access to the proposed development is to comply with sections 4.1.3 of the PBP 2006, together with general Fire Brigade access being provided along the western aspect to enable maintenance and management of the northern and western aspect protection zones.

## 71. Construction of new carparking and roadworks and associated landscaping

Prior to issue of the Occupation Certificate, the Certifying Authority shall be satisfied that the

following infrastructure works and landscaping inside the boundary of the site have been completed satisfactorily:

- provision of additional carparking in Areas 1 to 7, including pavement construction, retaining structures and any drainage works required;
- widening of Prince of Wales Drive at the intersection with Lofberg Road;
- The additional 17 spaces adjoining the proposed building shall be constructed and landscaped in accordance with plans marked as “Proposed Additional Parking Adjacent to Outdoor Pool – Revision 3 dated 24/02/11”;
- Accessible parking shall be constructed in accordance with plans marked as “West Pymble Pool – Area 1A Proposed Conversion of Carparking to Accessible Parking – Revision 3 dated 24/02/11”;
- Areas 2 and 3 shall be constructed and landscaped in accordance with plans marked as “West Pymble Pool – Areas 2 & 3 Proposed Additional Parking on Prince of Wales Drive and near Plant Room – Revision 3 dated 24/02/11”;
- Area 4 shall be constructed and landscaped in accordance with plans marked as “West Pymble Pool – Areas 4 Proposed Additional Parking Adjacent to Bowling Club Parking – Revision 5 dated 24/02/11”;
- Area 5 shall be constructed and landscaped in accordance with plans marked as “West Pymble Pool – Areas 5 Potential Future Widening of Prince of Wales Drive at Lofberg Road – Revision 3 dated 24/02/11”;
- Area 6 shall be constructed and landscaped in accordance with plans marked as “West Pymble Pool – Areas 6 Proposed Formalisation of Angle Parking at Norman Griffiths Oval – Revision 3 dated 24/02/11”;
- Area 7 shall be constructed and landscaped in accordance with plans marked as “West Pymble Pool – Areas 7 Proposed Formalisation of Angel Parking Adjacent to Lofberg Oval – Revision 3 dated 24/02/11”;

The works must be supervised by the designing engineer and landscape architect and completed and approved to the satisfaction of Council. The supervising engineer and landscape architect is to provide certification upon completion that the works were constructed in accordance with the approved plans.

**Reason:** To ensure that vehicular access and parking are in accordance with the consent.

## 72. Mechanical ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifying Authority shall be satisfied of the following prior to the issue of any Occupation Certificate:

1. The installation and performance of the mechanical systems complies with:
  - The Building Code of Australia
  - Australian Standard AS1668
  - Australian Standard AS3666 where applicable
2. The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the

background when measured at the nearest adjoining boundary.

**Note:** Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

**Reason:** To protect the amenity of surrounding properties.

### 73. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

**Reason:** To ensure that the landscape works are consistent with the development consent.

### 74. Accessibility

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 – 1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

**Reason:** Disabled access & services.

### 75. Accessibility in accordance with the Disability (Access to Premises - Buildings) Standards 2010 (DAPBS)

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that access for people with disabilities from the public domain and nominated accessible parking spaces on site to the building is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

**Reason:** To ensure access for people with a disability in accordance with the current relevant standards.

### 76. Provision of copy of OSD designs if Council is not the PCA

Prior to issue of the Occupation Certificate, the following must be provided to Council's

Development Engineer:

- a copy of the approved Construction Certificate stormwater detention/retention design for the site
- A copy of any works-as-executed drawings required by this consent
- The Engineer's certification of the as-built system.

**Reason:** For Council to maintain its database of as-constructed on-site stormwater detention systems.

## 77. Certification of drainage works

Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47 respectively, have been achieved
- retained water is connected and available for use
- basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and Appendix 7.1.1 of Ku-ring-gai Water Management Development Control Plan No. 47
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

The rainwater certification sheet contained in Appendix 13 of the Ku-ring-gai Water Management Development Control Plan No. 47, must be completed and attached to the certification. Where an on-site detention system has been constructed, the on-site detention certification sheet contained in Appendix 4 of DCP 47 must also be completed and attached to the certification.

**Note:** Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

**Reason:** To protect the environment.

## 78. Works as executed plans for stormwater management and disposal

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention and retention structures on the

property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site

- the achieved storage volumes of the installed retention and detention storages and derivative calculations
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- the size of the orifice or control fitted to any on-site detention system
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

**Reason:** To protect the environment.

#### 79. Sydney Water Section 73 Compliance Certificate

Prior to issue of an Occupation Certificate the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifying Authority

**Reason:** Statutory requirement.

#### 80. Construction of works in public road – approved plans

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications.

The works must be supervised by the applicant's designing engineer and completed and approved to the satisfaction of Ku-ring-gai Council.

The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved stamped drawings. The works must be subject to inspections by Council at the hold points noted on the Roads Act approval. All conditions attached to the approved drawings for these works must be met prior to the Occupation Certificate being issued.

**Reason:** To ensure that works undertaken in the road reserve are to the satisfaction of Council.

#### 81. Mechanical ventilation

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.



**Reason:** To ensure adequate levels of health and amenity to the occupants of the building.

#### 82. Fire safety certificate

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

**Note:** A copy of the Fire Safety Certificate must be submitted to Council.

**Reason:** To ensure suitable fire safety measures are in place.

### CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

#### 83. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works have been undertaken in accordance with the approved plan(s) and conditions of consent.

**Reason:** To ensure that the landscape works are consistent with the development consent.

### CONDITIONS TO BE SATISFIED AT ALL TIMES

#### 84. Use of the child minding facility

Any child minding facility within the development shall only be used by children while the children's parents or authorised supervisors are visiting the West Pymble Indoor Pool Bicentennial Park, West Pymble.

**Reason:** To ensure that the child minding facility is not used as a "child-care centre".

#### 85. Ongoing operation of child minding facility

Prior to and during the ongoing operation of the child minding facility, the operator must comply with all relevant legislative and licensing requirements.

**Reason:** To ensure any licensing requirements adhere to legislative requirements.

#### 86. Asset protection zone

At all times, the property is to be maintained as an asset protection zone, consistent with the Rural Fire Services guidelines for asset protection zones. Removal of vegetation within an asset protection zone located inside the property shall be carried out by hand and is to be confined to those works consistent with the Rural Fire Service guidelines for bush fire hazard reduction in such zones.

**Reason:** To protect against bush fire.

## 87. Noise control – plant and machinery

All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest boundary.

**Reason:** To protect the amenity of surrounding residents.

### **Attachments:**

1. Zoning extract
  2. Location sketch
  3. Survey
  4. Architectural plans and landscape plans
  5. Final peer review advice from Traffix
  6. Final peer review advice from Ecological Australia
  7. Accessibility Audit Review
  8. Review of Environmental Factors
  9. Applicants Schedule of ESD commitments
  10. Council's Landscape comments
- 
- A. Bushfire Compliance report
  - D. Stormwater plan and report
  - E. Arborist's report
  - F. Flora and fauna report
  - J. Heritage report
  - M. Construction and waste management plan

**Vince Hardy**  
**Consultant Town Planner**  
**City Scape Planning + Projects**