

**JOINT REGIONAL PLANNING PANEL
(Sydney West Region)**

JRPP No.:	2011SYW117
Development Application No.	DA/1129/2011
Description of Proposal:	Hornsby Aquatic Centre
Property Description:	Lot 7306 DP1157797 Hornsby Park (R52588), 203X Pacific Highway, HORNSBY
Applicant:	The Council of the Shire of Hornsby
Owner:	Crown
Statutory Provisions:	Hornsby Shire Local Environmental Plan 1994 Open Space A (Public Recreation - Local) Zone & Special Uses B (Transport Corridor)
Estimated Value:	\$22,200,000
Report Author:	Stephanie Van Dissel (ADW Johnson)
Instructing Officers:	Tim Shelley (ADW Johnson)

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

1. The applicant proposes the demolition of the existing Aquatic Centre and associated structures and removal of 24 trees, to develop a new three level Aquatic Centre with basement parking including associated site works, drainage works and landscaping.
2. Hornsby Shire Council is the applicant for the proposed development. In accordance with Council's adopted Policy '*PSA1 Proposed Council Developments*' and '*Practice Note No. 7 Assessment Practice*', an independent assessment of the development application has been undertaken by ADW Johnson.
3. The proposal complies with all relevant clauses of the Hornsby Shire Local Environmental Plan 1994.
4. The proposal is generally in accordance with the objectives and principles within the Access and Mobility Development Control Plan (DCP), Heritage DCP, Sustainable Water DCP and the Waste Minimisation and Management DCP.
5. The application received 217 submissions (182 in support, 23 opposed & 12 miscellaneous).
6. It is recommended that the application be approved.

RECOMMENDATION

THAT Development Application No. 1129/2011 for the demolition of existing structures, removal of 24 trees, construction of a three level Aquatic Centre including basement parking and associated site works, drainage works and landscaping (Staged Development) at Lot 7306 DP1157797, Hornsby Park (R52588), 203X Pacific Highway, Hornsby, be approved pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979, subject to the conditions of consent detailed in Schedule 1 of this report.

HISTORY OF THE SITE

The site is located within Hornsby Park, a portion of which was originally dedicated as a government recreation reserve in 1896.

The Hornsby Aquatic Centre was first opened to the public in 1962, with subsequent additions in 1968, 1985 and 1995.

Concerns were first raised regarding the integrity of the pool's support structures in the early 1970's and as such has been closely monitored by Council over several decades.

In 1995, Council sought advice on the estimated remaining life of the pool structure and was advised that without significant works, closure may be necessary.

In 1999, following repairs, a further report identified ongoing corrosion, and closure was again considered.

In 2001 a new liner was installed in the 50m pool which extended the service life of the pool. Council also carried out repairs to the grandstand in 2004 and in 2008, to shade support structures over the children's program pool.

A comprehensive inspection in July 2008 identified a large number of defects and confirmed that corrosion of steel reinforcement and deterioration of the concrete structure was continuing. It was then recommended Council consider the closure of the pool by 30 June 2012, as the serviceability of the structure could not be guaranteed. Further reports in June 2010 and October 2010 confirmed further deterioration of the structure, and recommended urgent remedial action to minimise potential risk to patrons and property due to structural failure. These repairs were also undertaken by Council.

In the assessment conducted in November 2010, it was found that the condition of the structure supporting the pool was continuing to decline and that the risks associated with the safe operation of the pool could not be reliably predicted, nor could repairs be undertaken to address those risks.

Following Council's resolution of 1 December 2010 the pool was closed on 24 December 2010.

In addition to the existing aquatic centre, the site also contains numerous associated buildings as well as a building used by the Country Women's Association.

THE SITE

The site is legally described as Lot 7306, within DP 1157797 and is better known as Hornsby Park, which is a Crown Reserve. The allotment is irregular in shape, located on the western side of the Pacific Highway, with a frontage extending from opposite the intersection with Coronation Street and north to the Hornsby TAFE site (see **Figure 1**).

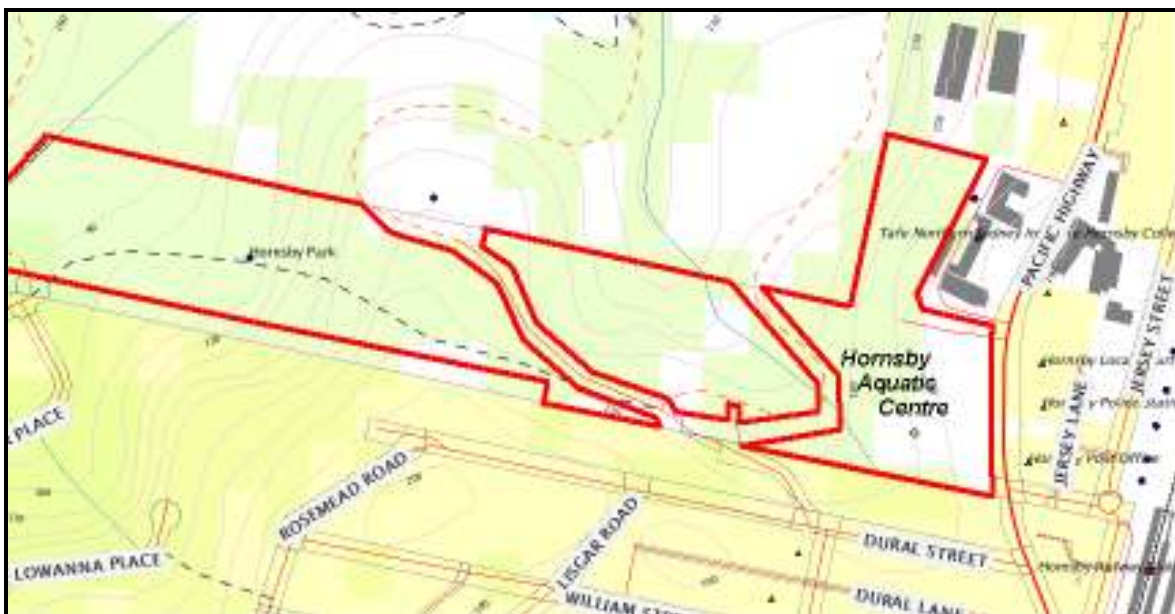


Figure 1: Location plan (source: Land and Property Information – Six Viewer).

The site has an area of approximately 16.7 hectares, a frontage of about 168m to the Pacific Highway and a maximum depth of about 1000 metres.

The area proposed for development falls approximately 16m westward from Pacific Highway, representing a slope of around 15% for the general construction area.

The works the subject of this application apply only to a portion of the site, being the area in proximity to the Pacific Highway and extending for a depth of about 107m, giving a development site of about 1.8 hectares.

The majority of the land which comprises the Park is largely undeveloped, aside from an access road (Quarry Road) which loops through the central portion of the Park providing a connection to the former quarry located to the northwest.

The key elements of the Park are located in proximity to the frontage to the Pacific Highway and comprise the following:

- Hornsby Aquatic Centre complex, including the Gallipoli Pine (discussed in detail later);
- Women's Rest Centre Building (also referred to as the Country Women's Association (CWA) building);
- A freestanding public toilet block;
- Captain Cook Memorial Fountain;
- Thomas Higgins Memorial;
- A formalised landscape treatment established in the early 1930's comprising axial pathways, avenues of trees, stone walls and focal points such as pergolas;
- A bus shelter adjacent to the Highway near the intersection with Coronation Street; and
- A driveway access along the northern site boundary close to the TAFE site connecting to a small car parking area just north of the current swimming pool complex.

See **Figure 2** for an aerial photo.



Figure 2: Aerial Photo (source: Land and Property Information – Six Viewer).

The site is bounded on the north by a local service road leading to a Council car park. A covered barbecue area and children's playground are located along the northern boundary, beyond which is the Hornsby TAFE campus. The nearest TAFE building comprises a three storey brick structure with numerous windows on the southern façade which face the aquatic centre at a distance of approximately 60m. North and northwest is large tract of bushland known as Old Mans Valley, and an abandoned quarry.

The eastern boundary of the site is common with the Pacific Highway. On the opposite side of the Highway is the Council administration complex, Court House, Police Station and commercial buildings. Most of these buildings have upper level views to the west over Hornsby Park. The Highway is on several local bus routes and links the site to the Hornsby railway station some 300m to the south east. In this location, the Highway comprises one lane each north and south, with angle and parallel parking and landscaped median strip. Traffic lights control the intersection with Coronation Street.

South of the Park is the edge of the Hornsby Town Centre. Behind these shops and to the southwest is a residential precinct comprised predominantly of flat buildings as well as a Montessori Preschool, accessed from Dural Street. Some of the apartments enjoy views to the north over Hornsby Park. Quarry Road is off Dural Street and leads down into Old Mans Valley and the abandoned quarry located in the lands to the west and northwest of the Park.

To the west, the site contains dense bushland which has been heavily degraded by invasive species and scattered rubbish deposits. Along the western edge of the current pool complex is a high cyclone wire fence and a rough unpaved boundary track which provides access to the substructure of the existing grandstand and pool. This

path also connects to an earlier heritage trail and stairway leading down into the valley.

THE PROPOSAL

Overview

In summary, the development application comprises the following scope of works:

- Demolition of the current Aquatic Centre and associated structures, Women's Rest Centre building, shed and toilet block;
- Removal of 24 trees, including the Gallipoli Pine;
- Replacement of existing stormwater drainage adjacent to southern site boundary;
- Concrete encasement of sewer line below proposed basement car park;
- Excavation over part of the building footprint to a maximum depth of 5.85m;
- Construction of a new three level aquatic centre, including basement car park;
- Construction of a new driveway access located generally adjacent to the southern site boundary to connect the basement car park to the Pacific Highway at the intersection with Coronation Street; and
- Associated site works, drainage work and landscaping.

A summary of the facilities on each level of the proposed new Aquatic Centre is provided in the table below:

LEVEL	FACILITIES
Basement	<ul style="list-style-type: none"> • 111 parking spaces, including 4 designated accessible spaces • Mechanical plant rooms, waste rooms and storage room • Electrical switch room • Foyer to pedestrian lifts and stairs
Ground Floor	<ul style="list-style-type: none"> • Main entrance, reception, lift lobby and lifts • Kiosk/cafe, cool room and associated store • First aid room • Two multipurpose rooms (one of these to be leased by the CWA) • Various storage rooms • Amenities (including male, female and unisex changing areas) • Office • Learn to Swim pool (25m x 10m x 1.1m) • Leisure pool (including a 17m x 5m x 1.1m walking zone) • Main pool with associated seating areas and shade structures (50m x 21m x 1.8m) • Spectator seating for 500 • Water slide • Landscaped open space <p>Total GFA = 2156m²</p>

First Floor	<ul style="list-style-type: none"> • Lift lobby and pedestrian lifts • Multi purpose room • Staff amenities and administration areas Total GFA = 342m ²
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The Capital Investment Value of the project is estimated at \$22,200,000; this figure being confirmed by a Quantity Surveyor.

Women's Rest Centre Building

As mentioned above, as part of the proposed development, the existing Women's Rest Centre building, currently leased by the CWA, will require demolition. The CWA currently holds a licence for this building until 1 March 2012. As part of the proposed aquatic centre, a facility for the CWA will be included. The Women's Rest Centre building is not listed as a heritage item.

Staging

The following table outlines the staging and likely timeframes for the proposed development:

STAGE	WORKS
1: Demolition (3 months)	STAGE 1A <ul style="list-style-type: none"> • Demolition of Women's Rest Centre building • Removal of Public toilets and smaller structures along southern boundary (accessible toilet at SE crn to be retained) STAGE 1B <ul style="list-style-type: none"> • Construction of new access road (as temporary access) • Demolition of aquatic centre
2: Clearing & Site prep (2-3 weeks)	<ul style="list-style-type: none"> • Removal of debris, vegetation, top soil from construction area • Locating and sealing utility lines
3: Construction & Landscaping (15 months)	<ul style="list-style-type: none"> • Construct access road • Excavation • Installation of utilities, concrete, superstructure, roofing, glazing, external cladding, walls & ceilings, electrical, plumbing and pool finishes • Landscaping and other minor works

The proposed staging would allow the demolition of the Women's Refuge Building and adjacent toilet block to occur following Development Consent.

Operational Details

The new Aquatic Centre is expected to operate from 5.30am – 9.00pm, 7 days a week, with staff also in attendance generally 30 minutes prior to opening and 30 minutes

after public use of the pool has ceased. The pool is expected to be used for a range of purposes typically including:

- Casual recreational use
- Squad training
- Aquarobics
- School carnivals
- Learn to swim programs

Once completed, the Aquatic centre will require up to 21 staff during peak usage periods.

ASSESSMENT

The development application has been assessed having regard to the '*Metropolitan Plan for Sydney 2036*', the '*North Subregion (Draft) Subregional Strategy*' and the matters for consideration prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). Subsequently, the following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Metropolitan Plan for Sydney 2036 and (Draft) North Subregional Strategy

The *Metropolitan Plan for Sydney 2036* is a broad framework to secure Sydney's place in the global economy by promoting and managing growth. It outlines a vision for Sydney to 2036; the challenges faced, and the directions to follow to address these challenges and achieve the vision.

The *Draft North Subregional Strategy* sets the following targets for the Hornsby LGA by 2031:

- Employment capacity to increase by 9,000 jobs; and
- Housing stock to increase by 11,000 dwellings.

The proposed development would be consistent with the *draft Strategy* by providing a minimum of 21 additional jobs in the locality as well as providing an excellent community recreational facility for the anticipated growth in population.

Taking the above into consideration, the proposed development would therefore be consistent with the *Metropolitan Plan for Sydney 2036*.

2. STATUTORY CONTROLS

Section 79C(1)(a) requires Council to consider "any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations".

2.1 Commonwealth Legislation

2.1.1 Commonwealth Environmental Protection and Biodiversity Conservation Act 1999

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is administered by the Department of the Environment and Water, Heritage and the Arts. It is concerned with impacts on matters including:

- World heritage properties;
- Ramsar wetlands;
- National threatened species and ecological communities;
- Migratory species;
- Commonwealth marine areas; and
- Nuclear actions.

Assessments of significance are undertaken in accordance with the Significant Impact Guidelines 1.1 – Matters of National Environmental Significance (NES) to determine whether a proposed action is likely to have a significant impact on a matter of NES protected by the EPBC Act. If it is determined that the proposal will have a significant impact on a matter of NES, then the action must be referred to the Australian Government Minister for the Environment, Heritage and the Arts. Permits and applications need to also be made for activities which will affect any listed species or ecological community within a Commonwealth area.

The proposed aquatic centre has been assessed with regards to its impact upon the above matters of NES as follows:

World heritage properties

The site is not a World Heritage area, and is not in close proximity to any such area.

Ramsar wetlands

The site is not part of any RAMSAR Wetland area, and is not in close proximity to any such area.

National threatened species and ecological communities

No nationally listed threatened species under the *EPBC Act 1999* are within the proximate region of the site.

Migratory species

The proposal is not likely to cause any significant impact to nearby migratory species potentially occurring in the vicinity of the site.

Commonwealth marine areas

The proposed activity on the site will not have an adverse effect on any Commonwealth marine area.

Nuclear actions

No type of nuclear activity is proposed for the site.

Taking the above into consideration the project is considered unlikely to have any significant impact on any matters of NES. As such, a referral to the Minister is not deemed necessary.

2.2 New South Wales Legislation

2.2.1 Crown Lands Act 1989

This Act is relevant as Hornsby Park is a Crown Reserve under the ownership of the Department of Primary Industries (Crown Land Division). Hornsby Shire Council acts as Trust Manager for the Park.

The objects of this Act are to ensure that Crown land is managed for the benefit of the people of New South Wales.

The aquatic centre is proposed solely for the benefit of the general public and as such will be developed in accordance with the Crown Lands Act 1989. The Minister for Primary Industries, Katrina Hodgkinson MP, in a letter dated 20 December 2011 acknowledged Council's development application for redevelopment of the Hornsby Aquatic Centre.

2.2.2 Threatened Species Conservation Act 1995

The Threatened Species Conservation Act 1995 (TCS Act) requires that a Species Impact Statement (SIS) be prepared for a development proposal that is likely to significantly affect threatened species, populations or ecological communities or their habitats. Section 5A of the EPAA sets out a seven-part test to determine whether a significant effect is likely and whether a SIS is required. The presence of threatened species on, or in the proximity of, a development site does not necessarily mean that the activity is likely to affect that species in a significant manner.

An assessment of flora and fauna in the study area, carried out by *GIS Environmental Consultants* identified no threatened flora or fauna species or populations of endangered ecological communities within the study area. There is however, potential foraging habitat for three threatened fauna species (Eastern Bentwing Bat, Powerful Owl, Varied Sittella) as well as there being a tree hollow which could be roosting habitat for the Eastern Freetail Bat.

The impact of this proposal would be reduced due to the dominance of weeds within the adjacent vegetation and adjacent tree death and the proposal's footprint being approximately the same as the existing pool. The ecological impact of the proposal would be offset in part by the subsequent improvement of the quality of the water entering this bushland and the improvement of the habitat value of the bushland by removal of the extensive infestation of weeds and long term weed control.

The ecological assessment of the study area concludes that the proposed development is unlikely to cause a significant impact on any threatened species, endangered ecological communities or populations. This assessment is supported.

2.2.3 Rural Fires Act 1997

The proposal is not identified in section 100B of this Act as a 'special fire protection purpose' and accordingly the application is not Integrated Development for the purposes of the Rural Fires Act.

Refer also to comments of the NSW Rural Fire Service in Section 5.2.1.

2.2.4 Roads Act

Concurrence of the Roads and Maritime Services (RMS) for this DA is not required under Section 138(2) of the Roads Act 1993, since the section of the Pacific Highway between Bridge Road and George Street is a local road (and not a State road), under the jurisdiction of Hornsby Council.

However, any amendments to traffic control signals required as a result of the proposed access arrangement at the intersection of the Pacific Highway and Coronation Street development would require approval by RMS.

RMS has reviewed the plans in this regard and advised that the access to the aquatic centre should be amended through a condition of consent to include a dedicated left turn only lane – this is discussed in further detail within Section 5.2.2. In addition to this, the RMS advised that the Right Turn Bay from Pacific Highway into the aquatic centre would require monitoring to examine the efficiency of this treatment.

2.2.5 National Parks and Wildlife Act 1974

The National Park and Wildlife Act 1974 provides the primary basis for the legal protection and management of Aboriginal sites within NSW. The rationale behind the Act is the prevention of unnecessary or unwarranted destruction of relics and the active protection and conservation of relics that are of high cultural significance. The Act states that it is an offence to knowingly disturb, damage, deface or destroy an Aboriginal relic without the prior written consent of the Director-General of the NPWS.

The proposed works are not located within the vicinity of any known Aboriginal heritage items. However, if such items or sites are discovered during the construction stage of the project, a Section 90 NPW Act Licence to disturb or destroy an aboriginal site would be required (refer Condition 24 & 38).

2.2.6 Heritage Act 1977

The Heritage Act 1977 protects the natural and cultural history of NSW with an emphasis on non-Aboriginal cultural heritage. The Act establishes the State Heritage Register (SHR). Development effecting items on the SHR require approval by the NSW Heritage Office. Places included on the SHR are also required to have a Conservation

Management Plan prepared. The subject site does not include any items of state significance and as such does not require approval from the NSW Heritage Office.

Despite the above, the proposal was referred to the Office of Environment and Heritage – OEH (Heritage Branch) prior to the lodgment of the application, for their comment. In correspondence dated 6 October 2011, OEH advised the following:

The Heritage Branch recently received a letter from Council requesting informal comment on the proposed demolition of the Country Women's Association (CWA) Building in Hornsby. It also asked for an indication of the Branch's desired level of involvement in the formal assessment process.

The Heritage Branch recently received community representation about the proposed demolition of the CWA building within Hornsby Park. Heritage Branch staff determined that on the basis of the available information, the building is not likely to be of State heritage significance. In this circumstance the Heritage Branch would not anticipate involvement in the assessment process.

Branch staff did note that the building is likely to have local heritage significance. The Branch understands that the building will be assessed as part of a current heritage study and that it has been included on the National Trust register and the Australian Institute of Architect's (AIA) register of significant twentieth century buildings. Should the site be identified as having local heritage significance in Council's study, Council is encouraged to take this into account when assessing the proposal. If the proposal does not proceed we would also encourage you to consider listing the site on Council's local heritage register.

Taking the above into consideration, the Council is not required to formally refer the application to the OEH. All other matters concerning the potential heritage values of the site are discussed within Section 3.2.3.

2.2.7 Water Management Act 2000

The Water Management Act 2000 (WMA) provides for the integrated and sustainable management of NSW waters. Section 91 provides for two types of activity approvals required under the Act as follows:

91 Activity approvals

(1) There are two kinds of activity approvals, namely, controlled activity approvals and aquifer interference approvals.

(2) A controlled activity approval confers a right on its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land.

(3) An aquifer interference approval confers a right on its holder to carry out one or more specified aquifer interference activities at a specified location, or in a specified area, in the course of carrying out specified activities.

Note. Examples of where an aquifer interference approval may be needed include mining operations, road construction and any other large scale activity that involves excavation.

Controlled Activity

Section 91E of the WMA makes it unlawful for a person to carry out a controlled activity within waterfront land without a Controlled Activity Approval.

The proposed aquatic centre and associated works would be located within 40m of a watercourse. However, public authorities are exempt from section 91E (1) of the Act. As such, no CAA is required in this instance.

Aquifer Interference

Section 91F of the WMA makes it unlawful for a person to carry aquifer interference activity without an aquifer interference approval.

An aquifer interference activity is defined as follows:

aquifer interference activity means an activity involving any of the following:

- (a) the penetration of an aquifer,
- (b) the interference with water in an aquifer,
- (c) the obstruction of the flow of water in an aquifer,
- (d) the taking of water from an aquifer in the course of carrying out mining, or any other activity prescribed by the regulations,
- (e) the disposal of water taken from an aquifer as referred to in paragraph (d).

Should dewatering of excavation be required, an aquifer interference approval would need to be sought from the NSW Office of Water prior to construction.

2.2.8 Protection of the Environment Operations Act (POEO) 1997

The *Protection of the Environment Operations Act 1997* (POEO Act) establishes the NSW environmental regulatory framework and determines whether an environment protection licence is needed for certain works. The proposed aquatic centre is not listed under Schedule 1 of this Act.

2.3 State Environmental Planning Policies (SEPPs)

2.3.1 SEPP (State and Regional Development) 2011

The proposed development was previously nominated under clauses 13B(1)(a) and 13B(2) of SEPP (Major Projects) 2005 with the Joint Regional Planning Panel (JRPP) being the consent authority for the application. These clauses have since been repealed and replaced by SEPP (State and Regional Development) 2011, where Schedule 4A (3) & (4) of the EP&A Act are applicable, as follows:

3 General development over \$20 million

Development that has a capital investment value of more than \$20 million.

4 Council related development over \$5 million

Development that has a capital investment value of more than \$5 million if:

- (a) a council for the area in which the development is to be carried out is the applicant for development consent, or*
- (b) the council is the owner of any land on which the development is to be carried out, or*
- (c) the development is to be carried out by the council, or*
- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

Taking the above into consideration, Part 4 Clause 21 of the SEPP now applies and continues to provide that the JRPP is the consent authority in this instance.

2.3.2 SEPP 19 – Bushland in Urban Areas

The general aim of this Policy is to protect and preserve bushland within the urban areas referred because of its value to the community as part of the natural heritage, its aesthetic value, and its value as a recreational, educational and scientific resource.

The undeveloped portion of Hornsby Park likely satisfies the definition of 'bushland' within the Policy, and therefore the provisions of clause 9(2) would be relevant consideration to this proposal.

Clause 9(2) provides that consent shall not be granted for development on land which adjoins bushland zoned or reserved for public open space purposes unless it has taken into account:

- *The need to retain any bushland on the land;*
- *The effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and*
- *Any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.*

The application is accompanied by a Bushfire Assessment and Compliance Report which nominates the extent of Asset Protection Zones required to the west of the development to ensure that a satisfactory level of hazard reduction is achieved.

The application is also accompanied by a Flora and Fauna Impact Assessment report that specifically considers the likely ecological impacts from undertaking those hazard reduction works. That report does not identify any unacceptable impacts upon the adjacent bushland.

Taking the above into consideration, the proposed development is considered to be consistent with SEPP 19.

2.3.3 SEPP 55 - Remediation of Land

SEPP 55 aims to provide a framework for the assessment, management and remediation of contaminated land throughout the State. Clause 7 (1) of SEPP 55 prevents Council from consenting to a development unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

With regards to the above, the following is noted:

- A portion of the Hornsby Park site was dedicated as a government recreation reserve in 1896. The early landscape works were undertaken in the early 1930's and the current pool complex was opened in 1962.

Table 1 of the Department of Planning's *Planning Guidelines for Contaminated Lands* identifies land activities which may cause contamination. That Table does not identify recreation facilities, of any form, as being a possible cause of land contamination.

- The applicant is not aware that the site is affected by Section 59(2) of the Contaminated Land Management Act 1997.
- The applicant is not aware that the EPA has issued any regulatory notice in respect of this site under the Contaminated Land Management Act 1997, or has taken any interest or action under the Protection of the Environment Operations Act 1997.

Taking the above into consideration, the proposed development does not require the preparation of a Stage 1 Preliminary Site Investigation report and is consistent with SEPP 55.

2.3.4 SEPP (Infrastructure) 2007

State Environmental Planning Policy Infrastructure 2007 (I SEPP) provides a consistent planning regime for infrastructure and the provision of services across New South Wales, along with providing for consultation with relevant public authorities during the assessment process.

Part 3 of the Policy provides development controls for various land uses and activities.

Division 17 addresses the consideration of Roads and Maritime Services (RMS) – previously known as the Roads and Traffic Authority (RTA) and, specifically, Subdivision 2 applies to development in, or adjacent to, road corridors and road reservations. Specifically:

- Clause 101 sets out matters to be considered for development which has a frontage to a classified road; and
- Clause 104 identifies traffic generating development which must be referred to the Road and Traffic authority.

As stated previously, this section of the Pacific Highway adjacent to Hornsby Park is now classified as a local road (the State road being via George Street, Bridge Road and Jersey Street). Consequently clause 101 of the SEPP does not apply.

The proposed parking supply of 111 spaces does not exceed the thresholds noted in Column 2 of Schedule 3 of the Policy, and consequently referral to the RMS under section 104 of the ISEPP is not required.

2.4 Sydney Regional Environmental Plan 20 – Hawkesbury Nepean River

This Plan integrates planning with catchment management to protect the river system and requires that the impact of future land use is to be considered in a regional context. The Plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture, and urban and rural residential development. It controls development that has the potential to impact on the river environment.

The following table addresses the provisions relevant to the proposed aquatic centre:

SREP 20	Strategy	Proposed
Clause 6		
Total Catchment Management		
(a) Refer the application or other proposal for comment to the councils of each adjacent or downstream local government area which is likely to suffer a significant adverse environmental effect from the proposal.	(b) Consider the impact of the development concerned on the catchment.	(c) Consider the cumulative environmental impact of development proposals on the catchment.
Environmentally sensitive areas		
(b) Minimise adverse impacts on water quality, aquatic habitats, riverine vegetation and bank stability.	(g) Consideration should be given to the impact of the development concerned on the water table	(b) Flora and Fauna investigations undertaken by GIS Environmental Consultants, and Council's bushland and biodiversity assessment did not identify any

<p>and the formation of acid sulphate soils.</p> <p>(h) New development in conservation area sub-catchments should be located in areas that are already cleared.</p>	<p>potential impact by the proposed development on water quality, aquatic habitats, riverine vegetation or bank stability.</p> <p>(g) The site is not affected by acid sulphate soils.</p> <p>(h) The proposed development is located in the same location as the existing pool complex in order to minimise vegetation removal.</p>
Water quality	
<p>(a) Quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters.</p> <p>(f) Consider the need for an Erosion and Sediment Control Plan (to be in place at the commencement of development) where the development concerned involves the disturbance of soil.</p> <p>(g) Minimise or eliminate point source and diffuse source pollution by the use of best management practices.</p> <p>(h) Site and orientate development appropriately to ensure bank stability. Plant appropriate native vegetation along banks of the river and tributaries of the river, but not so as to prevent or inhibit the growth of aquatic plants in the river, and consider the need for a buffer of native vegetation.</p>	<p>(a) The proposed aquatic centre is replacing an existing centre generally in the same location. Appropriate erosion and sedimentation controls and stormwater system would ensure there is no increase in pollutants to receiving waters.</p> <p>(f) & (g) Comprehensive erosion and sedimentation controls would be installed throughout construction. Once constructed, the development would incorporate appropriate stormwater management techniques to prevent any impacts on the nearby waterway.</p> <p>(h) There is the potential for rock face instability, however this would be dealt with through the use of experienced excavators. Appropriate construction and geotechnical measures would be identified as part of the Construction Certificate documentation. Re-vegetation is assessed under Section 3.1.1.</p>
Flora and fauna	
<p>(a) Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.</p> <p>(b) Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.</p> <p>(c) Minimise adverse environmental impacts,</p>	<p>This is discussed within Section 3.1.1.</p>

<p>protect existing habitat and, where appropriate, restore habitat values by the use of management practices.</p> <p>(d) Consider the impact on ecological processes, such as waste assimilation and nutrient cycling.</p> <p>(e) Consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms.</p> <p>(f) Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas.</p> <p>(g) Consider the need to control access to flora and fauna habitat areas.</p> <p>(h) Consider the need to maintain corridors for fish passage, and protect spawning grounds and gravel beds.</p>	
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2.5 Hornsby Shire Local Environmental Plan 1994

The subject land is zoned Open Space A (Public Recreation - Local) Zone and Special Uses B (Transport Corridor) under *Hornsby Shire Local Environmental Plan 1994 (HSLEP)* (see **Figure 3**).



Figure 3: Zoning Map (source: Hornsby Shire Council).

The majority of the proposed works would be located within the Open Space A Zone where a recreation facility is permissible with consent. In addition to this, minor ancillary

access and landscaping works would be required within the Special Uses B (Transport Corridor) Zone, where recreation facilities are also permissible with consent. The Special Uses B Zone only applies to a narrow portion of the site adjacent to the Pacific Highway.

A recreation facility is defined as follows:

recreation facility means a building or place used for sporting activities, recreation or leisure activities, whether or not operated for the purpose of gain, but does not include a building or place elsewhere defined in this clause.

The proposed development satisfies this definition.

Clause 7(2) requires that objectives of the zone are to be taken into account before development consent is given to the carrying out of development. The objectives for the Open Space A (Public Recreation - Local) Zone are:

(a) to ensure there is provision of adequate open space to meet the needs of the community and to enhance the environmental quality of the Hornsby area.

Comment: The subject site is currently used for recreational open space with the proposed development continuing this trend.

(b) to encourage a diversity of recreational settings and facilities.

Comment: The proposed development continues the existing aquatic centre use, however, would provide a superior facility to the current.

(c) to protect and preserve areas of urban bushland which are considered valuable in terms of their ecology.

Comment: As discussed above, the proposed development complies with SEPP 19 - Bushland in Urban Areas and therefore meets this objective.

Taking the above into consideration, the proposed development meets the various objectives of the Open Space A Zone.

The following table identifies how the proposal meets the remaining relevant controls of the HSLEP.

HSLEP 1994 Compliance Table	
Provision	Compliance
Clause 8 – Tree Preservation (1) The Council may make, revoke or amend a tree preservation order. (2) A person shall not carry out or permit or direct or cause any ringbarking, cutting down, topping, lopping, removing or wilful destruction of any tree or trees to which a tree preservation order applies without the consent	<p style="text-align: center;">✓</p> The proposed development requires the removal of a number of trees for which consent has been sought under this application, thereby satisfying this clause.

<p>of the Council. This does not apply to or in respect of:</p> <p>(a) trees within a State Forest, or within a timber or forest reserve, within the meaning of the Forestry Act 1916, or</p> <p>(b) trees in a National Park, within the meaning of the National Parks and Wildlife Act 1974, or</p> <p>(c) action required by clause 23 of the <i>Electricity (Overhead Line Safety) Regulation 1991</i>, or</p> <p>(d) plants declared to be noxious weeds under the Noxious Weeds Act 1993.</p> <p>(3) A tree preservation order, and any revocation or amendment of such an order, does not have effect until it has been published in a newspaper circulating in the area of the Council.</p>	
<p>Clause 9 – Landform Modification: A person shall not, without the consent of the Council, carry out a work or any other development on land for any purpose where the work or other development has, in the opinion of the Council, the effect of significantly affecting the natural environment, through either filling or excavation.</p>	<p>✓</p> <p>The extent of site modification works is limited and would be properly managed to ensure that no adverse impacts would result for the natural environment. The lodgment of this application satisfies this clause.</p>
<p>Clause 10 – Services: The Council shall not grant consent to the carrying out of development on land to which this plan applies unless it is satisfied that adequate water and sewerage services are available.</p>	<p>✓</p> <p>The existing sewer line which traverses the site is proposed to be retained in place, and concrete encased to the requirements of Sydney Water.</p> <p>Advice from Sydney Water is pending, and would be subject to the outcome of a Section 73 feasibility study currently underway. A condition of consent has been recommended in this regard (refer Condition 8).</p> <p>Further information in regard to services is provided within Section 3.2.4.</p>
<p>Clause 11 – Development Near Zone Boundaries: To allow for development near zone boundaries where the development is prohibited by zoning but is not inconsistent with the aims and objectives of this plan.</p>	<p>N/A</p> <p>The proposed development is permissible and therefore does not rely upon Clause 11.</p>
<p>Clause 12 – Temporary Use of Land: To permit the temporary use of land for cultural activities.</p>	<p>N/A</p>
<p>Clause 13 - Suspension of restrictions on land: To ensure private restrictions do not restrict development or activities being carried out in accordance with this plan.</p>	<p>N/A</p>

Clause 14 – Density: To provide for the development of land at a density that is in accordance with the land's environmental capacity and zone objectives.	N/A Clause 14 is not applicable to the subject site's zoning or to the development proposed.
Clause 15 – Floor Space Ratio: To control the intensity and scale of development of land so that development will be in accordance with the land's environmental capacity and zone objectives.	N/A Clause 15 is not applicable to the subject site's zoning.
Clause 15A – Height of Buildings: (1) The height of a building on any land shown edged heavy black on Diagrams 1–15 in Schedule BB is not to exceed the maximum height shown for the land on the Height of Buildings Map.	N/A The subject site is not identified within the diagrams within Schedule BB.
Clause 16 – Council Land: The land referred to in Schedule C is classified or reclassified as operational land.	N/A The subject site is not referred to in Schedule C.
Clause 17 – Land Acquisition: To provide for the acquisition of land for community purposes.	N/A The proposed development does not require land acquisition.
<p>Clause 18 – Heritage: To provide for continuity with the past by conserving the heritage of the Hornsby area and to ensure that Aboriginal heritage is preserved and conserved wherever possible.</p> <p>(1) The consent of the Council is required to carry out the following development if it affects a building, work, tree, relic or place that is a heritage item listed in Schedule D or that is situated within a heritage conservation area shown in Schedule E:</p> <p>(a) demolishing, defacing or damaging such a heritage item or component of a heritage conservation area,</p> <p>(b) altering such a heritage item or component of a heritage conservation area by making structural changes to its exterior,</p> <p>(c) altering such a heritage item or component of a heritage conservation area by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance,</p> <p>(d) moving such a heritage item or component of a heritage conservation area, or excavating land for the purpose of discovering or moving such an item or component, if it is a relic,</p> <p>(e) erecting a building on, or subdividing, land on which such a heritage item is located or</p>	<p style="text-align: center;">✓</p> <p>Clause 18(1) - Hornsby Park and the Lone Pine (Gallipoli Pine) are listed as items of Regional significance under Schedule D. The site is also within the 'Peats Ferry Road Precinct, Hornsby West Side' Heritage Conservation Area under Schedule E. Lodgement of this application therefore satisfies clause 18(1).</p> <p>Clause 18(2) – N/A</p> <p>Clause 18(3) & (5) - Two heritage consultants have provided advice with regards to the heritage aspects and impacts of the proposed development, with their advice being ratified by Council's Heritage Advisory Committee.</p> <p>The proposed development would be located on already disturbed land and is therefore unlikely to impact upon any archaeological site or potential archaeological site. However, a condition is recommended requiring that should any Aboriginal or Non-Aboriginal objects be discovered, all work cease in the area and the Contractor inform the Contract Manager as soon as possible. Council will advise the preferred course of</p>

<p>which is within a heritage conservation area.</p> <p>(2) Development consent is not required by this clause if the Council is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item or heritage conservation area.</p> <p>(3) When determining a development application required by this clause, the Council must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area.</p> <p>(4) Repealed</p> <p>(5) The Council must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item and its setting, and on the heritage significance of a heritage conservation area, archaeological site or potential archaeological site, when determining an application for consent to carry out development on land in its vicinity.</p> <p>(6) The Council must not determine a development application required by this clause until it has considered:</p> <p>(a) a heritage assessment, if a heritage item of local significance is involved, or</p> <p>(b) a conservation plan, if a heritage item of regional, State or national significance is involved.</p> <p>(7) The Council may grant consent to the carrying out of development on an archaeological site, or a potential archaeological site that has European heritage significance, only if the consent authority is satisfied that any necessary excavation permit under the Heritage Act 1977 has been granted.</p> <p>(9) The Council may grant consent to the carrying out of development on:</p> <p>(a) an archaeological site or a potential archaeological site that is the location of an Aboriginal place or relic, within the meaning of the National Parks and Wildlife Act 1974, or</p> <p>(b) on land containing bushland and zoned:</p> <p>(iii) Open Space A, B or C, where the area of land to be disturbed is greater than 0.1 ha, or</p>	<p>action & liaise with the Office of Environment and Heritage and the relevant local Aboriginal stakeholders if required (refer Conditions 24 & 38).</p> <p>Taking the above into consideration, the proposal and assessment satisfies clauses 18(3) & (5). A Statement of Heritage Impact and a Heritage Impact Assessment accompany the application and are discussed in further detail below.</p> <p>Clause 18(6) - The Statement of Heritage Impact provides that items of a regional level of significance are no longer recognised and therefore default back to local significance. With this in mind, the proposed development would not require a conservation plan as per Clause 18(6).</p> <p>Clause 18(7) – No archaeological sites, or potential archaeological sites, possessing European heritage significance have been identified as requiring an excavation permit under the Heritage Act 1977 as part of the proposed development.</p> <p>Clause 18(9) – The proposed Asset Protection Zone is on land containing bushland within the Open Space A Zone and has the potential to disturb an area greater than 0.1ha. An Aboriginal Cultural Heritage Impact Assessment Report accompanied the application. Council has considered this assessment which has advised that the works required for the APZ would not involve any impact on the earth surface. Despite this, it was noted that there may still be potential for in-situ artefact materials and for this reason appropriate conditions have been recommended to ensure the conservation of both the site and any such possible relic (refer Conditions 24 & 38).</p>
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<p>only if the Council has considered an assessment of Aboriginal heritage which includes an assessment of how the proposed development would affect the conservation of the site and any relic known to be located at the site and identifying conservation policies and management mechanisms that are appropriate to enable conservation of both the site and any such relic.</p>	
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2.6 Draft Comprehensive Local Environmental Plan

Council has commenced the preparation of its new Comprehensive Local Environmental Plan (CLEP) in accordance with the State Government's standard Local Environmental Plan template (Standard Instrument).

An uncertified version the Draft CLEP is available for public inspection; however this document has no statutory weight as a draft environmental planning instrument under the Environmental Planning and Assessment Act.

2.7 Development Controls Plans (DCPs)

2.7.1 Hornsby Access and Mobility DCP

The purpose of this Plan is to assist proponents of development, and Council, to ensure that requirements for equality in access and the provision of facilities are achieved for new development.

Accompanying the application is a submission from Philip Chun Accessibility which states:

"We confirm the development application documentation, prepared to date for the aforementioned project, has been assessed for accessibility to and within the site. Assessment has been undertaken with reference to the minimum requirements of the Building Code of Australia 2011 (BCA), as it relates to accessibility, and statutory obligations imposed by the Disability Discrimination Act 1992 (Cth) (DDA), including the Hornsby Shire Council Access and Mobility Development Control Plan, the Disability (Access to Premises - Buildings) Amendment Standards 2010 (No. 1) and relevant Australian Standards as applicable to this project.

This statement confirms accessibility has been appropriately addressed in the associated concept application documentation, relative to the level of detail provided, and confirms the Client's commitment to the development of an equitable and accessible environment for all. As such, we believe development consent may be issued without any concern that the building cannot meet achieve a reasonable level of access and statutory requirements."

Suitable legislation exists to ensure the works will be completed and certified in accordance with the relevant requirements of the BCA, DDA and Access and Mobility DCP (Refer also to Condition 54).

2.7.2 Community Uses DCP

This DCP provides controls for child care centres, places of public worship and educational facilities, and is therefore not applicable to the proposed development.

2.7.3 Hornsby Heritage DCP

The purpose of this Plan is to manage heritage and outline specific controls for development relating to heritage items and heritage conservation areas within the Shire.

The overall heritage significance of the site and individual items and impact of the proposed development on these has been investigated in detail within the Statement of Heritage Impact and Heritage Impact Assessment provided.

As mentioned above, Hornsby Park and the Lone Pine are listed under Schedule D of the HSLEP as items of heritage significance, with the entire site being located within the Hornsby West Side Heritage Conservation Area under Schedule E. Expert Heritage advice in this regard indicates that the main heritage impacts would be the demolition of the Women's Rest Centre building and the removal of the Lone Pine. It further states however that on balance, these impacts are minimal.

To this end the following extracts from the above documents are provided:

"The Gallipoli Pine cannot be retained as part of the redeveloped Aquatic Centre. Expert arboricultural advice confirms that it cannot be successfully transplanted to another location. The tree is already at least seventy five years old and therefore in the latter stages of its life expectancy. The location and now compromised setting of this tree diminishes its heritage value. On balance it is considered that this tree should be allowed to be removed from the Park."

"Whilst the heritage qualities of the Women's Rest Centre building are acknowledged, it is considered that its level (degree) of heritage significance is such that it does not warrant retaining on heritage grounds. It is not an exceptional, outstanding or even early example of its kind and it does little to enhance or reinforce the aesthetic or landscape values of Hornsby Park. On the contrary, it could be argued that this building (together with other existing built structures nearby) weakens the landscape character of the south eastern corner of the Park."

Taking the above into consideration, the proposed development complies with the intent of the Hornsby Heritage DCP. This issue is discussed in further detail below within Section 3.2.3.

2.7.4 Car Parking Development Control Plan

The Car Parking DCP does not provide specific parking rates for either recreational or community facilities. Traffic and parking considerations are discussed in detail below.

2.7.5 Sustainable Water Development Control Plan

This plan aims to implement practices to ensure the sustainability of water as a renewable resource. Consistent with the intent of this Plan, this project includes measures to:

- Ensure that water is discharged back into the water table, in a manner that does not result in erosion of soils;
- Ensure that water quality of that water is maintained through the use of filtration and pollution capture devices; and
- Capture and reuse stormwater within the complex.

Accompanying the application are plans prepared by Geoff Ninnis Fong and Partners which outline arrangements for the collection and disposal of stormwater from the new development. These arrangements are discussed in further detail within Section 3.2.5.

2.7.6 Hornsby Waste Minimisation Development Control Plan

The purpose of this Plan is to provide planning strategies and controls to promote waste minimisation and management.

Accompanying the application is a preliminary Waste Management Plan prepared by Peter Hunt Architect, with a final WMP to be prepared by the appointed contractor. Further discussion on waste management is provided within Section 3.2.7.

3. ENVIRONMENTAL IMPACTS

Section 79C(1)(b) of the Act requires Council to consider *“the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*.

3.1 Natural Environment

3.1.1 Ecological Impacts

The proposed development would have the following implications:

- Removal of 24 trees, including the Aleppo Pine (Gallipoli Pine/Lone Pine).

The above tree removal is necessary for the construction of the centre as well as associated asset protection zones. It is acknowledged, however, that the placement of the centre being predominantly over the existing site negates the need for substantial tree removal.

The redevelopment site is immediately adjacent to Hornsby Bushland Reserve which has a high ecological value. The main ecological impact would be the creation and maintenance of the bushfire protection measures including an Asset Protection Zone. In this regard the Asset Protection Zone should comprise a 20m wide Inner Protection Area (IPA) and a 30m to 10m wide Outer Protection Area (OPA) of fuel reduced vegetation, to protect the new aquatic centre complex from bushfires (see Figure 4).

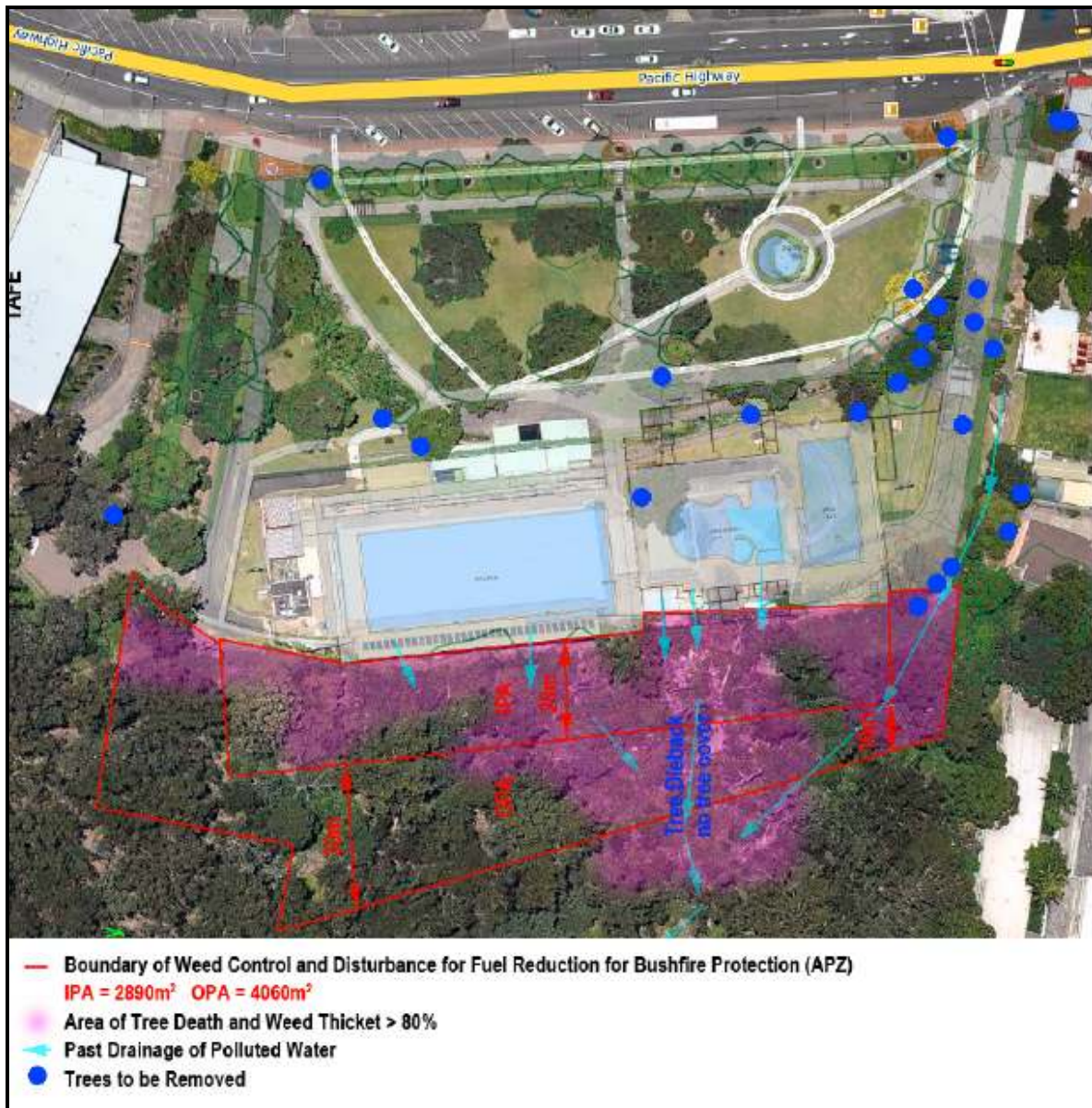


Figure 4: Proposed APZ (source: GIS Environmental Consultants).

Much of the existing vegetation adjacent to the proposal is weed infested and includes several dead trees. Removal of these weeds and dead trees is recommended. Once removed, there would be little need for disturbing the remaining native vegetation in this area.

The non-weedy parts of the APZ (approximately 2000m²) contain the locally significant Blackbutt Gully Forest that would be disturbed by fuel reduction. No threatened flora

or fauna species, populations of endangered ecological communities were found in the Study Area, although there is potential foraging habitat for three Threatened fauna species (Eastern Bentwing Bat, Powerful Owl, Varied Sittella) as well as a tree hollow which could be roosting habitat for the Eastern Freetail Bat that is recommended to be retained in the APZ.

The impact of this proposal on this bushland community is likely to be minimal due to the dominance of weeds in the adjacent vegetation, poor health and death of a number of trees and the proposal's footprint being essentially the same as the existing pool rather than further encroaching to the west.

Any ecological impact of the proposal would be offset in part by the subsequent improvement of the quality of stormwater entering this bushland and the improvement of the habitat value of the bushland by removal of the extensive infestation of weeds in conjunction with long term weed control.

In line with the above, this proposal is unlikely to have a significant impact on any threatened species, populations or endangered ecological communities. However, ameliorative measures to further reduce the impact of the proposal are recommended and have been included within the recommended conditions of consent (refer Conditions 23, 30-32, 47 & 58).

Council's bushland and biodiversity assessment of the application concludes that the major ecological issues concerning the proposal relate to the clearing and modification of vegetation required for the Asset Protection Zone (APZ) comprising an approximate area of 4720m². On balance, the benefits of the proposed aquatic centre, the retention of a majority of the vegetation and proposed vegetation offsets warrants support of the project.

3.1.2 Landscaping

Council's parks and landscape assessment of the proposal included consideration of the landscaping concept plan prepared by Paul Scrivener Landscape Architect. The assessment recognises that there are some heritage, tree and visual impacts arising from the development. However the community and recreational benefits of the proposal outweigh these impacts.

It is noted that the Heritage Impact Assessment prepared by Mayne Wilson dated 4 October 2011 recommends changing species of palm used within the park. This change is supported.

Council's parks and landscape assessment also notes that the existing public toilets are proposed to be removed and that there will be one unisex accessible toilet remaining in the park. It is proposed that the requirement for any additional public toilets in the park to replace those being removed be reviewed after the new aquatic centre has been built, with this being included as a condition of consent.

In addition to the above, Roads and Maritime Services (RMS) required the provision of an additional access lane for left turn only exiting. Given that the provision of this lane would increase the access width by three metres and encroach into existing Council

landscaping, this requirement was further assessed by the parks and landscape team. This assessment highlighted the following two methods of achieving the additional access width:

1. Making the landscape corridor along the southern boundary of the site narrower to approximately 3.8m - still sufficient to achieve a landscape buffer to the southern boundary, or
2. Allowing the roadway alignment to extend further into the park.

The parks and landscape assessment supported the first option for the following reasons:

- Minimal impact on the landscape design for the park north of the entry roadway;
- Option 2 would require a significant redesign of the pedestrian entry to the park. It would not be possible to develop the proposed circular ramp and retain the existing pergola structure. This change would also lead to a need to relocate the disabled ramp to run down behind the existing sandstone bus shelter from the Pacific Highway into the park, making a less direct access route for disabled persons.

Overall, the parks and landscape assessment of the application concludes that the development should be supported subject to recommended conditions of consent (refer Conditions 1 - 3, 17, 22, 29, 39, 46 & 53). This assessment is supported.

3.2 Built Environment

3.2.1 Built Form

The proposed aquatic centre would replace the existing unserviceable centre in generally the same location. The new building has been positioned to facilitate controlled and easy access to the Pacific Highway, to avoid the nearby watercourse and to be built on the flattest part of the site. As such, the proposed location is considered to be the most appropriate.

3.2.2 Traffic, Access & Parking

Location of access driveway

Options for the provision of vehicle access onto the site to serve a new aquatic centre were the subject of extensive investigations undertaken by Council prior to the lodgement of the application. The options which were considered included:

- Construction of a new driveway over vacant land fronting Dural Street;
- A driveway along the northern boundary of the Park; or
- Construction of a new driveway access along the southern edge of the Park connecting with the Coronation Street intersection.

A report to Council's meeting on 20 July, 2011 provided the following evaluation of these options:

"1. Dural Street

It has been suggested that access could be provided via vacant land on Dural Street. The vacant land, adjacent to the Montessori Preschool building (owned by Council) is privately owned and would need to be purchased by Council, at an estimated cost in the vicinity of \$1M. This land is substantially lower than the carriageway in Dural Street and would significantly increase construction costs. This access would not be suitable for use by heavy vehicles. Sight distance for vehicles exiting this access onto Dural Street will be a safety concern as a result of the grade and mature tree plantings in Dural Street. This option would also introduce additional vehicle movements at the Dural Street/Pacific Highway intersection, thereby increasing delays at this location. As Council is aware, this intersection is not signalised.

2. Northern Driveway, Hornsby Park

It has been suggested that Council could construct the car park driveway to the north of the Aquatic Centre site, in the location of the existing single lane maintenance access driveway. This access would need to be widened to two lane standard, and would require the removal of several large Turpentine trees. These trees form part of the older elements of the park and contribute to the heritage significance of the park. Reconstruction of the sandstone retaining walls adjacent to the children's playground, and along the Highway frontage would be required. As the level of the Pacific Highway is significantly higher at the northern end of the park (when compared to the southern end), the grade of the driveway to the basement level means that the driveway would be significantly steeper than the preferred access route.

These works will have a detrimental impact on the character of Hornsby Park and its heritage value. Hornsby Park was modelled on a "city beautiful" style and illustrates simple formal layouts with straight and cross axes and large sweeping lawns combined with formal tree planting.

An access in this location would separate the barbeque and children's playground area from the rest of the highway and would adversely impact future pedestrian access to the heritage steps and Old Mans Valley. Turning right from the driveway onto the highway, and from the highway to the driveway would be more difficult manoeuvre in the absence of traffic signals at this location. From a traffic management perspective this option is not desirable, and would be more expensive to construct than the preferred option.

3. New driveway access connecting with the Coronation Street intersection

An intersection incorporating a right turn lane from the Pacific Highway (south bound) can be provided at the southern end of Hornsby Park. This would involve the reconstruction of the existing traffic signals at the intersection of Pacific Highway and Coronation Street. Analysis shows that an upgraded intersection will operate at Level of Service "B", which represents good performance, with acceptable delays and spare capacity. A right turn bay for vehicles entering the Aquatic Centre car park from the north will be provided.

Access for larger rigid vehicles will be possible. Pedestrian crossing facilities will be retained. The cost of these works is estimated to be of the order of \$250,000."

Arising from the above, Council's resolved to proceed with the third option, requiring the demolition of the Women's Rest Centre building. This option was considered by Council to be the most effective in terms of expenditure, traffic management and character and amenity of the existing community site.

Notwithstanding the above decision, a further report on the evaluation of access options to the pool complex was again considered by Council at its meeting on 21 September 2011, following a formal request by the Crown Lands Division.

This investigation considered the following seven options for access:

- Option 1 - Access into Hornsby Park opposite Coronation Street.
- Option 2 - Access to the north of the Women's Rest Centre building.
- Option 3 - Northern end of Hornsby Park – widen existing roadway
- Option 4 - Access through TAFE car park
- Option 5 - Access through private property (No. 4 Dural Street)
- Option 6 - Access through No. 6 Dural Street ("Norwood" - Montessori preschool)
- Option 7 - Access via fire trail off Quarry Road

In addition to evaluating these options, the report also considered the following propositions:

- Not providing any onsite car-parking for the new Aquatic Centre, but instead relying upon the Dural Street car park, and parking within surrounding streets; and
- Relocating the new Aquatic Centre out of Hornsby Park.

The cost and construction implications associated with the seven (7) options for access to the proposed aquatic centre were further considered as follows:

- Option 1 (Access into Hornsby Park opposite Coronation Street): has an estimated cost of approximately \$800,000 and includes the cost of demolition of the Women's Rest Centre building, road works on site and Pacific Highway and the cost to re-house the CWA in the proposed Aquatic Centre.
- Option 2 was considered to place too much difficulty on the construction of the aquatic centre, as well as providing an unsatisfactory traffic arrangement.
- Option 3 was considered to provide sub-optimal construction ease and traffic impacts, as well as greater impact on the Park and its heritage attributes.
- Option 4 (via TAFE): requires the pool structure to be raised by approximately 3 metres. Notwithstanding the unacceptable aesthetic impact, the additional costs of this option would be in the order of several millions of dollars.

- Option 5 was considered to provide sub-optimal patron accessibility, construction ease and traffic impacts, as well as requiring considerable expenditure. In addition, this option would mean substantial delays to the project and therefore greater negative social impacts.
- Option 6 (via No 6 Dural Street, the Montessori preschool site): excludes the opportunity cost of occupying land that has value to the community for a purpose other than a road. This option would also require the demolition of the heritage listed preschool.
- Option 7 was considered to provide sub-optimal patron accessibility, construction ease and traffic impacts as well as requiring considerable expenditure and impact on the Park. In addition, this option would mean substantial delays to the project and therefore greater negative social impacts.

Arising from the above investigations Council concluded:

"On the basis of the above analysis, confirmation of the key strategic decisions to locate the centre in Hornsby Park and to provide parking on site is considered appropriate. Access to the centre via a new link located south of the Hornsby Pool directly opposite Coronation Street is the preferred and recommended arrangement."

The project has therefore proceeded on this basis.

In relation to the traffic implications of the various options, Council's traffic and road safety assessment of the proposal with regards to the above notes that several options for vehicular access onto the site were considered with the benefits and consequences of each option evaluated. Access to the Hornsby Aquatic Centre (HAC) via a new link located near the southern boundary of the Hornsby Park directly opposite Coronation Street was the preferred and recommended option. The recommended access option was subsequently adopted and is considered to be the most appropriate option from a traffic management point of view notwithstanding that it requires demolition of the Women's Rest Centre building.

Council's traffic and road safety assessment also notes that the *adopted* access arrangement at this intersection incorporates a right turn lane with a storage capacity of 2 – 3 vehicles from Pacific Highway northern approach. Access for larger delivery and service vehicles will be possible and pedestrian crossing facilities will be provided on all legs of the intersection.

Traffic Generation and Impact of Proposal

Applicant's submission

The predicted traffic peak generated by HAC is estimated to be 130 vehicles, comprising 76 inbound and 54 outbound trips, during the 6pm to 7pm period. McLaren Traffic Engineering has also established that during the 6pm to 7pm weekday period, the total traffic volumes through the intersection of Pacific Highway with Coronation Street would be much lower than the weekday 8 - 9am peak hour period.

The traffic assignment is expected to be 58% north and 42% south, thus for the weekday 6pm to 7pm period, the traffic generation is as follows:

- Additional 44 inbound trips from the north, 32 from the south.
- Additional 31 outbound trips to the north, 23 to the south.

McLaren has analysed the operation of the intersection signals using SIDRA analysis and established Level of Service (LoS) C, which is acceptable for new work in accordance with RMS service level requirements. In addition Cardno traffic consultants were engaged to provide Paramics microsimulation modelling to validate McLaren's results. Cardno established that the modified intersection will operate at Level of Service (LoS) "B" taking into account future traffic volumes which will be subject to traffic management to redirect through traffic to the state road network and optimisation of the traffic signal network through Hornsby Westside.

Council's Traffic Assessment

Council's traffic assessment notes that the Cardno microsimulation adequately assesses the road network characteristics by taking into account weaving and merging manoeuvres and the impact of adjoining signal sites on traffic through put.

Council's traffic assessment accepts the modelling results established by Cardno and McLaren subject to:

- a Council proceeding with the 40 Km/h High Pedestrian Activity Area (HPAA) as incorporated in the Hornsby Westside Streetscape project (adopted 13 August 2008, WK54/08 refers)
- b Council request Roads and Maritime Service (RMS) to optimise the operation of traffic signals along the Pacific Highway between Bridge Road and George Street

The above actions are consistent with Council's adopted strategy for managing traffic in Hornsby Westside and would ensure that the forecast LoS would be maintained into the future.

Parking Assessment

Council's Parking DCP and RMS traffic generating development guidelines do not provide any rates for determining parking requirements of aquatic centres. Accordingly, the applicant has provided estimates of the likely demand for parking.

Applicant's submission

To estimate the parking requirements of the proposal, McLaren Traffic Engineering has adopted rates developed from first principles -

- 1 car per additional staff member.
- 1.5 students per car plus a tolerance factor equivalent to a 100% increase in the student number applied to take account of arriving groups of students whilst another group is being trained.

- 2 adults per car (which includes an allowance for public transport users and walkers).

Council's Traffic Assessment

Council's traffic assessment notes that the assumptions used by McLaren Traffic Engineering in estimating the parking requirements of the development are considered reasonable. Applying the above rates to the envisaged patronage of HAC results in a peak parking demand of 50 parking spaces. The current proposal includes on-site parking in a basement car park for 111 car spaces of which four (4) are accessible spaces.

Council's traffic assessment notes that the proposed on-site car parking supply of 111 spaces exceeds the estimated parking demand by 61 spaces. Having regard to the fact that the previous HAC and Women's Rest Centre Building did not provide any significant on-site parking, the current proposal would significantly improve the existing situation and lessen the burden on nearby public car parks and on-street parking areas relative to when the old HAC was open.

Design of Access and Parking Facilities

Applicant's submission

The geometry and layout of the access driveway and basement car parking areas of the proposed development are as follows:

- Minimum clear headroom of 3.5m to accommodate the intended maximum height of a service truck;
- Minimum clear headroom of 2.5m above all disabled car parking spaces;
- General minimum clear headroom of 2.3m of areas only traversed by cars (no service vehicles)
- On-site car parking spaces to comply with AS2890.1-2004 & AS2890.6-2009
- Maximum gradient of 1:6.5 along the ramp adequate for service vehicles & cars.

Council's Traffic Assessment

Council's traffic assessment of the proposed design notes the following:

- Parking space width and aisle width has not been shown on the architectural plans. The geometry of parking spaces and aisles shall comply with User Class 2 (AS2890.1) space width 2.5m, aisle width 5.8m.
- Truck / Garbage Truck access is deficient and does not satisfy the requirements of Council's Waste Management Services. A turning area is required to accommodate 11.25m turning radius garbage truck with height clearance of 4.5m. A vehicular turntable or similar mechanical turning device may be considered. This is discussed in further detail within Section 3.2.7.

- The ramp gradient for the first 6 metres into the property is indicated on the plan at 1:18. The Australian Standards AS2890.1 requires that the ramp gradient be 1:20 for the first 6m prior to control point.
- Given the proximity to Hornsby Town Centre and transport interchange, it is likely that, if not controlled, all day parking will significantly impact on availability of short term parking for HAC users. Timed parking restrictions and staff parking will need to be implemented and enforced.
- In event of the carpark being full, the circulation of vehicles in and out of the carpark will contribute to congestion and unnecessary delays on the Pacific Highway. It is recommended that a "Carpark Full" occupancy display be implemented.
- Existing Bus Zone / coach parking area along the Pacific Highway (westerns side) will be affected by the traffic signal design. The area has also been observed to be underutilised at certain periods of the day. It is recommended that in consultation with relevant bus operators, the area be reviewed to provide additional short term parking for passenger set down and pick up.

Conclusion

It is considered that significant investigation has been undertaken with regards to the most appropriate access solution to the proposed Aquatic Centre. The chosen access option is supported and deemed to provide the most suitable solution with regards to cost, traffic efficiency, heritage impact, time constraints and aesthetic impact. Furthermore, parking, access and traffic impacts have undergone analysis by the applicant, Council and RMS and are supported within this assessment subject to conditions (refer Conditions 2, 12, 13, 15, 55, 56 & 65).

3.2.3 Heritage

As discussed above, the property contains two heritage listed items (Hornsby Park and Lone Pine and Sandstone Steps) of local significance under the provisions of Schedule D (Heritage Items) of the HSLEP 1994. The property is located within the Peats Ferry Road Precinct of the Hornsby West Side Heritage Conservation Area, which is listed under the provisions of Schedule E (Heritage Conservation Areas) of the HSLEP 1994.

The property is also within the vicinity of the Pacific Highway road reserve and property 1X Quarry Road, Hornsby which contain a number of local and state heritage listed items (Higgins' Family cemetery, sandstone receptacle, cool room and site of Higgins homestead on which the Higgins Family Memorial is located – State listed), (Diatreme, Hornsby Quarry and surrounding vegetation – State listed) and (road median, lights and palms – locally significant) under the provisions of Schedule D (Heritage Items) of the HSLEP 1994.

For these reasons, the application has been supported by a Statement of Heritage Impact (SHI), prepared by Howard Heritage Consultancy and a Heritage Impact Assessment (HIA), prepared by Mayne-Wilson and Associates. The proposed

development and the above documents were presented to the Heritage Advisory Committee on 7 November 2011.

The Committee considered the proposal and supporting SHI by Howard Heritage Consultancy and HIA by Mayne-Wilson and Associates. The Committee noted that the most significant heritage components of the site relate to the layout of the Park in the 'City Beautiful' landscape style, the associated garden structures and the existing mature Turpentine trees which are proposed to be retained. The existing swimming pool and associated structures are an unsympathetic addition to the Park and therefore, the Committee raised no objection to the demolition of the structures.

The Committee noted the proposal would necessitate the removal of Lone Pine, an element of moderate significance within the Park. However, the context of the tree has been compromised by the existing pool structure. The Committee acknowledged that it is proposed that a seedling be propagated from the existing Lone Pine tree and planted in an appropriate location in consultation with the Hornsby RSL Sub Branch. The Committee noted that the Sub Branch has indicated its support for this approach.

The Committee commented that, although not listed as a heritage item, the Hornsby Women's Rest Centre Building has previously been considered by Council for listing in acknowledgement of the heritage qualities of the building. In this regard, the Committee noted that the significance of the building mainly relates to its social significance as a community space providing facilities for women and young children and activities of the members of the Association.

It is Council's intention to accommodate the CWA within the new Aquatic Centre development which will retain the social association of the CWA with the Park.

The Committee noted that the proposed Aquatic Centre Administration building would be partially screened by the landscape setting, including existing mature Turpentine trees. Furthermore, the Centre has been design to reduce the dominance of the existing grandstand structure. The proposed lowering of the grandstand would improve vistas to the bushland setting to the west and would present as an improvement from the existing intrusive structure within the Park.

The Committee also agreed that consideration should be given to the use of more recessive colours.

In conclusion, the Heritage Advisory Committee raised no objections to the proposal on heritage grounds subject to a range of conditions of consent (refer Conditions 3, 4 & 44).

In addition to the above, and despite not being subject to the Heritage Act 1977, the proposal was referred to the NSW Heritage Office prior to the lodgment of the application. In correspondence dated 6 October 2011, the Heritage Office advised that the heritage attributes of the development and site were a local consideration for the Council.

3.2.4 Services & Infrastructure

Electricity

There is an existing kiosk substation in the north-east corner of the site that supplies the existing premises. Ausgrid has advised that the existing supply is not adequate and that a new kiosk substation would be required. This would require an extension of the high voltage mains from a point near the existing substation and new consumer mains.

Telecommunications

Analogue telephone lines serve the existing premises from Telstra's network in the Pacific Highway. Confirmation has not been received from Telstra but it is expected that these cables would need to be upgraded to accommodate the telecommunications requirements of the new facility. It is expected that a new 50 mm lead-in conduit and fibre optic cable would be required from an existing pit.

Water Mains

The site appears to be adequately served by water mains within the Pacific Highway, with the 300mm CICL main being the preferred choice for connection.

The actual availability of this main however, is still to be confirmed by Sydney Water within the Section 73 Notice of Requirements (NOR) (refer Condition 8).

Water main flows and pressures are still to be confirmed by Sydney Water. These items will also be addressed as part of the Section 73 process.

Gas

The site appears to be adequately served by gas mains within the Pacific Highway, with the 75mm NY main being the preferred choice for connection.

Sewer

The 225mm sewer main across the site, is intended to be left in place, tested, and concrete encased to the approval of Sydney Water.

The existing vent shaft would in all probability be required to remain and the riser relocated and incorporated into the proposed sanitary plumbing and drainage system.

The actual treatment of this main and vent however, is to be confirmed by Sydney Water within the Section 73 Notice of Requirements (NOR).

Certification that the requirements of relevant utility authorities have been met would be required through the implementation of a condition (refer Condition 40).

3.2.5 Conservation of Water

Arrangements for the collection and disposal of stormwater include:

- Demolition and removal of redundant elements of existing onsite stormwater infrastructure;
- Demolition and removal of the existing trunk drainage line along the southern site boundary. This facility would be replaced by a new stormwater line that will connect into the new water quality treatment system for the Aquatic Centre prior to discharge into bushland west of the works;
- All stormwater collected from areas covered by roofs to drain to the sewer;
- All other stormwater would be discharged to the bushland west of the aquatic centre. Prior to discharge this water would pass through a silt/oil arrestor and Gross Pollutant Trap before being directed to a stabilised rock energy mattress dissipater.
- The stormwater system also includes the provision of a 50m³ water storage tank. This water would be used on site for irrigation of landscape areas, and for toilets.

Suitable conditions of consent have been recommended to manage the conservation of water (refer Conditions 1, 11, 32, 36 & 57).

3.2.6 Soils/Erosion and Sediment Control

The site is not subject to acid sulphate soils or contamination.

An erosion and sediment control plan, showing the location of the erosion and sediment control measures to be implemented during the construction phase of the subdivision, is contained within Attachment 3.

Council's engineering assessment of the proposal concludes that erosion and sedimentation control measures are appropriate with these to be managed through appropriate conditions of consent (refer Conditions 1, 5, 21 & 33).

3.2.7 Waste

A Preliminary Waste Management Plan has been prepared as part of the application, with this to be finalized by an appointed contractor.

Council's waste management assessment of the proposal identified the requirement for amendments to the access arrangements to allow a heavy rigid vehicle to turn around to exit in a forward direction. To accommodate these vehicle movements a concrete barrier and landscaping to the north of the car park access ramp had to be slightly reconfigured. These minor changes have been included within amended plans dated 13 January 2012.

Overall, the waste management assessment of the application concludes that the development should be supported subject to recommended conditions of consent (refer Conditions 26 & 50).

3.2.8 Energy

Council has adopted a Code for "Sustainable Energy for New Council Assets – F2007/00307" which provides that the proposed building must be carbon neutral in terms of energy consumption. The applicant has provided the following advice with

regards to this code:

"An optimal design for energy use in the new aquatic centre is being actively pursued in accordance with the Code for Sustainable Energy for New Council Assets.

The Architect's sub consultant (Floth Sustainable Building Solutions) have prepared a report, "Pool Energy Consumption and Greenhouse Gas Emissions", which we are in the process of having peer reviewed by an independent consultant. Rob Rajca and myself have been liaising closely with Steve Fedorow (Manager, Environmental Sustainability & Health) in reviewing the report to ensure the final heating and air management systems used in the new aquatic centre best meet life cycle costs over the life of the centre and meet design and engineering criteria in accordance with the policy."

Taking the above into consideration, the building is assessed having sufficient opportunity to incorporate energy efficient design in order to achieve carbon neutrality with regards to energy consumption. All such measures would be required to be identified as part of the Construction Certificate plans (refer Condition 16).

3.3 Social Impacts

3.3.1 Women's Rest Centre Building

As mentioned above, to gain appropriate access to the new aquatic centre, the existing Women's Rest Centre building would require demolition. The demolition of this building has been raised as an issue by a number of parties who believe that the building possesses heritage attributes. The heritage qualities of the building and overall site have been discussed within the body of the report. Whilst the building is listed on the National Trust Register (which is not a statutory or advisory body for the purpose of development assessment), both Council's Heritage Advisory Committee and the applicant's heritage consultants have resolved that the building is not worthy of retention at the cost of an alternate access proposal.

At Council's meeting on 7 December 2011, the following was resolved with regards to the Country Women's Association:

1. Council note the advice from the Hornsby and District Branch of the Country Women's Association of NSW (CWA) that it will vacate the community building in Hornsby Park on 1 March 2012.
2. Council write to the CWA acknowledging the Association's position and commits to continuing to work with the Association during the interim period before the completion of the new Hornsby Aquatic Centre complex.
3. Council reaffirm its commitment to offering the CWA the use of a facility within the new Hornsby Aquatic Centre complex upon its completion.

In addition to the above it should be noted that at Council's Meeting on the 21 September 2011, the following was resolved:

Council note that the Country Women's Association (CWA), Hornsby Branch has been offered temporary accommodation up until the finalisation of the construction of the Hornsby Aquatic Centre. The temporary accommodation offers at Willow Park, the War Memorial Hall and two commercial properties on the western side of Hornsby were offered at Council's expense and all have been rejected by the CWA members.

Council recognises the beneficial work done by the CWA and understands the contribution this facility provides to the social well being of the area. For this reason, it is proposed to accommodate the CWA within the new facility once constructed. In addition to this, the Council has offered the CWA numerous temporary locations able to be used during construction however these have been declined by the Association.

On balance, it is considered that the overall social benefits of the CWA, whilst being temporarily disrupted through relocation, would continue to be provided through the proposed development. On the whole, the social positives of the new centre for all residents of Hornsby Shire are considered to outweigh any perceived impact of removing the Women's Rest Centre building.

3.3.2 Noise and Vibration

Construction impacts

The construction activities may have the potential to generate levels of noise or vibration that could likely impact upon the amenity of the locality, and potentially, the structural integrity of adjoining buildings. To manage/mitigate these impacts, a Construction Management Plan implemented throughout construction is recommended as well as other standard noise mitigation conditions (refer Conditions 6, 10 & 25).

Operational impacts

A Noise Assessment report prepared by Acoustic Consulting Engineers accompanies the application and provides the following:

"Potential acoustic issues associated with the proposed re-development are associated with:

- mechanical plant and equipment such as heat pumps, car-park supply air fans, air handling units, office air-conditioning, kitchen and toilet exhaust fans; and*
- vehicles on the driveway to and from the aquatic centre.*

In terms of potential noise impacts from patrons using the facilities, the proposed redevelopment with an indoor pool will contain patron noise mostly to within the pool. Patron noise from the outdoor pool would be shielded from the indoor pool, office and amenity buildings.

Identified nearby noise sensitive receivers potentially affected by the Hornsby Aquatic Centre are:

- an preschool and residential units to the south and south-west;
- a park to the east; and
- Hornsby TAFE to the north."

With regard to managing noise from noise from mechanical plant and equipment the report concludes:

"Noise from mechanical plant could be controlled by equipment selection and specification, appropriate siting to take account of shielding from structures and provision of engineering controls such as installation of attenuators to the car-park air supply fan intake and discharge, fitting of cowls to direct noise from heat pump fans away from the receivers.

As the proposal is conceptual at this time and details of mechanical plant and equipment are not available at this time, it is recommended that acoustic requirements for the project be reviewed during the design phase to ensure the noise assessment objectives are achieved."

With regard to managing noise from vehicles using the proposed new access driveway the report concludes:

"Noise from vehicles on the access driveway could be controlled with the provision of 2m high (relative to finished road level) acoustic barrier along the southern boundary of the access driveway and the driveway not incorporated with traffic calming devices such as speed humps."

Details of the proposed noise wall beside the driveway are shown on the plans prepared by Peter Hunt Architect.

Council's environmental sustainability and health assessment of the proposal concurs with the acoustic consultants subject to recommended consent conditions (refer Conditions 1 & 51).

The proposed development is considered to address all constructional and operational noise and vibration amenity impacts with any impacts either being temporary or able to be effectively ameliorated.

3.3.3 Crime Prevention Through Environmental Design (CPTED)

The applicant has provided the following response demonstrating how the design of the new aquatic centre will meet the various principles of CPTED:

Surveillance

Planning of the new centre brings actively staffed areas to the front of the building and to the access point to the basement car park. Staff will be able to monitor key areas through a CCTV system that will provide live and recorded images of events both during operational hours and after. Administration offices on the first floor offer active surveillance of the pool hall, outdoor pool areas and most of the Hornsby Park environs.

The proposed facility incorporates glazed elements between the pool and Hornsby Park, and between the pool and the outdoor pool areas. Fences between the outdoor pool areas and Hornsby Park will be constructed of open materials, providing clear lines of sight in and out of the centre. General lighting throughout Hornsby Park will remain unchanged. New lighting will be installed around the edges of the new centre. Feature lighting will provide brighter levels of illumination at the front entry doors for way-finding and after-hour's security.

Basement car park lighting will provide illumination around all edges; brighter lighting at access points and key pedestrian routes; and will be bright enough to enable patrons to see into the rear seat of a parked car before they enter the car. The basement is planned as a single level car park that minimises blind spots and corners for concealment or entrapment. The lift lobby is glazed and brightly lit for security and passive observation. Accessible car parking spaces are located adjacent to the lift lobby with higher lighting levels.

Landscaping is generally low level garden beds of hedging or flowering plants, with infill large trees with open lower trunk forms to ensure clear sightlines within the Park and around the proposed centre.

Access Control

The aquatic centre will use the building and open form fencing to create a physical barrier between pool and park patrons. Fences will be in accordance with AS1926.1 – Swimming Pool Safety Part 1: Safety barriers for swimming pools and AS1926.2 – Swimming Pool Safety Part 2: Location of safety barriers for swimming pools. The front lobby of the centre incorporates a dual set of sliding doors around the reception to control access to the pool hall.

Access control will be implemented at the car park entrance to optimal use of available spaces. The basement car park will be closed after hours with a roller shutter to prevent unauthorised access. Stair and lift access to and from the basement car park will be actively monitored by staff at the reception counter at the arrival point on the pool entrance level. Car access to the basement will be from a single point with solid walls on all sides limiting unauthorised access into the car park from the surrounding park or bushland.

Landscape element will guide patrons through Hornsby Park, with a hierarchy of path widths to indicate primary and secondary access points. These will be emphasised with hedging, flower beds and signs where necessary. A large paved forecourt provides a focal point at the centre's front entrance. This will create an attractive gathering space for both pool and park users, complimented with water features and access to the centre's café and outdoor seating from within Hornsby Park. Low retaining walls offer informal seating areas.

Territorial Reinforcement

The new centre provides a dynamic and vibrant new community facility that is expected to be heavily patronised. By its nature it will become a gathering point for

the community engaging in physical activities, and a point of pride in having a well-designed aquatic facility located in a unique Park and bushland setting.

The design of the interface between the Aquatic Centre and Hornsby Park has been carefully considered to ensure unobtrusive separation of activities, whilst providing safety and security to the Centre. Open form fences and the building form clearly delineate between the pool and park functions, with an emphasis on the connection between these areas in the public forecourt.

Space Management

Appropriate, robust and low maintenance building finishes, landscape materials and park furniture will result in clean, low on-going cost public areas. Provision of bins throughout the new facility will help to manage waste, in conjunction with a suitably accessible and sized secure central waste storage area for convenient removal from the centre.

Planning of the centre provides for natural separation of primary activities focused on various age groups engaged in structured classes or recreational / leisure swimming. Change rooms are located across from the reception area to ensure movements do not interrupt swimming activities as patrons arrive or leave. Dual lifts, central stairway and large lobbies at the basement and entrance levels ensure smooth flow and circulation areas for patrons."

As evidence above, the applicant reviewed the application in regard to the CPTED principles. This analysis is supported and the proposed development is considered to achieve the CPTED principles by providing a new Aquatic Centre to replace the existing unused and dilapidated structure.

In summary, the new facility would:

- Provide additional active (staff) and passive (patrons/public) surveillance through clear lines of site, CCTV and additional lighting;
- Able to enforce access control unlike the existing structure;
- Create territorial reinforcement through community sense of pride; and
- Appropriate Centre and Park management through chosen building finishes, landscaping, park furniture, waste storage provision and pool and associated structure configuration.

Thereby:

- Increasing the perception of risk to criminals;
- Increasing the effort required to commit crime;
- Reducing the potential rewards of crime by minimising, removing or concealing 'crime benefits'; and
- Removing conditions that create confusion about required norms of behaviour.

In addition to the above, the NSW Police provided their general support to the above CPTED principles, with this being discussed within Section 5.2.3.

3.3.4 Public Domain

The new aquatic centre would have positive results to the public domain by way of providing an improved public recreation facility, providing good connections and linkages to surrounding public areas.

The new access road would however result in the demolition of the existing public toilet block. It is therefore proposed that the existing accessible toilet at the front of the Women's Rest Centre remain. The usage and operation of this amenity would be monitored during construction, to determine if this facility would be adequate, or a new additional public toilet facility will be required. A suitable location at the northern end of the park has been identified if such is required (refer Condition 39).

The above approach is considered a responsible and appropriate method to ensure adequate public toilet facilities are available whilst not committing expenditure to a new facility unless need has been determined.

3.3.5 General

The social impacts of the development on the local and broader community have been considered with specific reference to the potential employment generation within the centre. It is estimated that the development would generate a minimum of 21 equivalent full time positions post construction. This is consistent with the *North Subregion (Draft) Subregional Strategy* that provides a target of 9,000 jobs within the Hornsby LGA by 2031.

There would be a number of multiplier effects that the development would provide throughout the local and regional economies. These multiplier effects would result from the sourcing of goods and services both during and after construction, as well as the increased consumption generated by the increase of employment in the area. The centre is likely to provide employment opportunities to younger age groups, which typically have higher unemployment rates within the region.

3.4 Economic Impacts

The proposal is likely to have a significant positive impact on the local economy in conjunction with both the construction expenditure and through the long term operation of the centre via the attraction of additional patrons to the area.

4. SITE SUITABILITY

Section 79C(1)(c) of the Act requires Council to consider "*the suitability of the site for the development*".

4.1 Bushfire Risk

The land is identified as being subject to bushfire risk and as such a comprehensive Bushfire Assessment Report, prepared by Sydney Bushfire Consultants, was provided in support of the application (see Figure 5). In summary, the report recommends the following measures to protect the centre and patrons against bushfire attack:

1. Maintain an appropriate Inner Protection Area;
2. Maintain an appropriate Outer Protection Area;
3. Inclusion within Hornsby Bush Fire Risk Management Plan;
4. Compliance with standard Building Construction Standards;
5. Provision of appropriate water supply for fire fighting purposes;
6. Provision of underground power lines;
7. Gas supply infrastructure to be designed in accordance with Planning for Bushfire Protection 2006; and
8. Adoption of an appropriate Emergency Management Plan

Adoption of the above measures would ensure that the proposal complies with 'Planning for Bushfire Protection, 2006' as required under section 79BA of the Environmental Planning and Assessment Act 1979.

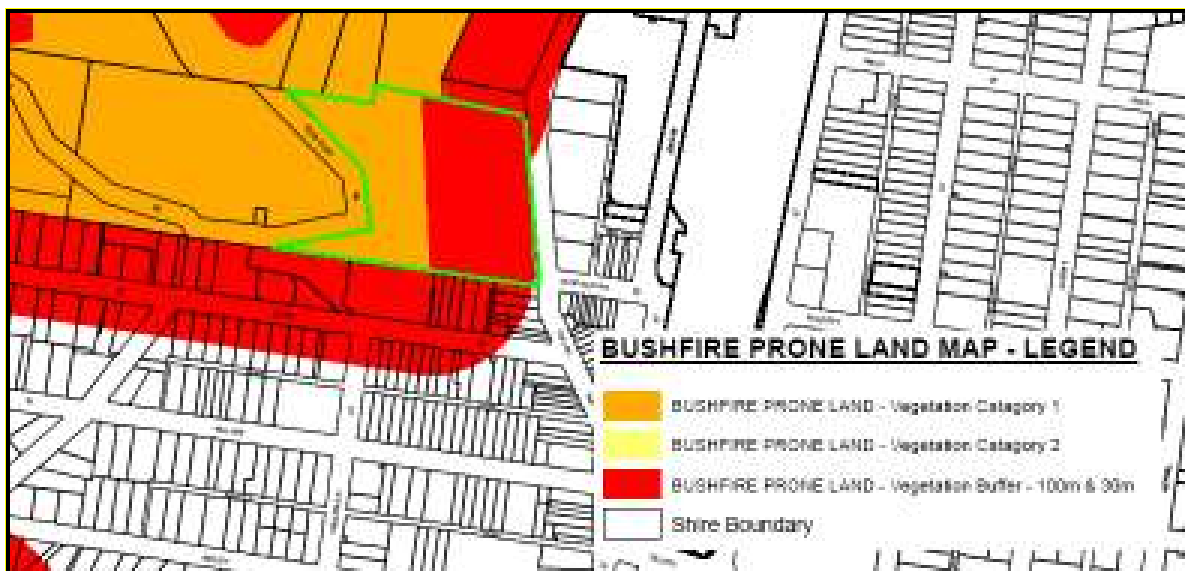


Figure 5: Bushfire Prone Land Map (source: Hornsby Shire Council).

In addition to the above, whilst the proposal is not for a Special Protection Purpose, the application was referred to the NSW Rural Fire Service for their advice, with their comments being discussed further within Section 5.2.1.

5. PUBLIC PARTICIPATION

Section 79C(1)(d) of the Act requires Council to consider "any submissions made in accordance with this Act".

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 25 October 2011 and 24 November 2011 in accordance with Council's *Notification and Exhibition Development Control Plan*. During this period, Council received 217 submissions. The map below illustrates the

location of those nearby landowners who made a submission that are in close proximity to the development site.

NOTIFICATION PLAN



• PROPERTIES NOTIFIED	 PROPERTY DEVELOPMENT	SUBJECT OF	
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23 submissions objected to the development. The following table provides a summary of the objections and responses to (personal and emotive comments not regarded as considerations to be taken into account under Section 79C of the EP&A Act, have not been listed):

Issues Raised	Comment/ Response
Oppose the demolition of the Women's Rest Centre Building	Discussed within Section 3.3
Oppose the access arrangements (either due to the removal of the Women's Rest Centre building or due to traffic impact concerns.	Proposed access arrangements have been discussed within Section 3.2.2; however a number of objectors raised the issue of a proposed loop road which was presented in Local Papers in November. Council has undertaken a detailed analysis of this option and resolved that generally it would be cost prohibitive; possibly requires removal of additional historic features which would disrupt the function and heritage value of the park; and would result in poor amenity to the Women's Rest Centre building through the adjacent busy driveway. The full analysis of this option has been provided within attachment 6.
Various pool configuration, purpose and construction concerns.	The proposed pool configuration and facilities provided is at Councils discretion based on the needs of the various user groups, cost and functionality and is not a consideration to be taken into account within the assessment. It is noted that Council undertook extensive community consultation in the preparation of the design of facilities to be included in the proposed centre.

No solar panels/renewable energy proposed	Discussed within Section 3.2.8. Initial reviews into solar power were deemed not to create enough efficient energy to deem this method viable.
Glare to western facing seating area	The western facing seating has been designed to take advantage of the westerly views of the adjacent bushland.
General traffic impact concerns	Discussed within Section 3.2.2
Lack of consultation with police	The NSW Police were consulted with their comments provided within Section 5.2.3.
Lack of traffic safety study	Discussed within Section 3.2.2
Not enough seating provided	No evidence has been provided to suggest that there will insufficient seating. The number of seats provided is at Councils discretion and is not a consideration to be taken into account within the assessment.
Affect quality of life for nearby residents (noise).	Discussed within Section 3.3. Issues specific to potential noise impacts are discussed within Section 3.3.2.
Building proposed for CWA is inadequate in size	The CWA has agreed to the proposed relocation of their facility, and it is therefore assumed that the Association believes it will be adequate in size to accommodate its service.
Request independent survey levels	No evidence has been provided to suggest the levels provided by Council are inaccurate and therefore an independent survey is considered unwarranted.
Request community poll	The community has been given the opportunity to make comments on the proposal through the public notification process, and as such, further community polls are considered unwarranted.
No opportunity for independent architectural and civil engineering assessment	Independent Architectural and Civil Engineering experts had opportunity to make comment during the standard public notification process.

Unnecessary parking provided	Discussed within Section 3.2.2
Not enough parking provided	Discussed within Section 3.2.2
Council has a hidden agenda - proposed 22 storey development sited as reason for proposed access arrangement. Council has a conflict of interest.	The application has been assessed on its individual merits and has not taken into account any future development possibilities. Future developments would need a separate DA and would be assessed on their merits. They would also undergo similar public notification scrutiny.
Bus access arrangements – concerns with parking off Pacific Highway or taking up designated parking spaces within centre.	Buses would continue to park in the bus parking spaces on the Pacific Highway adjacent to the Park. School children would walk through the Park to the pool entrance as is the current situation when schools visit the pool.
Opposition to footbridge	The proposed access arrangement does not require a footbridge as access will be via the south of the site.

193 submissions (89%) supported, or were neutral to the development and made the following observations (only those listed where not addressed above):

Issues Raised	Comment/ Response
Request child care facilities, sauna, spa, restaurant, water slide, 130cm deep 25m pool	The proposed pool configuration and facilities provided is at Councils discretion based on the needs of the various user groups, cost and functionality and is not a consideration to be taken into account within the assessment.
Request facilities for physically disabled (comprehensive list of items provided)	The centre would be developed in accordance with the Disability Discrimination Act 1992. Council has advised that a water wheel chair and disable change room can be accommodated (refer Condition 54). A hydrotherapy pool however is unable to be accommodated given health department guidelines.
More space for CWA and/or community activities	The centre would provide three multipurpose rooms able to be used for community activities. These rooms provide more space than the existing Women's Rest Centre building and are therefore considered to be an improvement on the current situation.

Keep price reasonable	The proposed entry price is at Councils discretion and is not a consideration to be taken into account within the assessment. It is understood however, that Council has undertaken significant investigations to provide the most cost effective solution.
Keep loss of vegetation minimum	Discussed within Section 3.1.1
Expedite construction	Every effort is being made by Council to expedite construction whilst also ensuring that the project meets community and statutory requirements.
Support removal of Women's Rest Centre building	It is noted that numerous submissions supported the removal of the Women's Rest Centre building.
Request lifeguards on duty at all times	During opening hours, either lifeguards or swim instructors would be present.
Request adequate public toilets within park.	As part of the proposal, the existing toilet facility to the west of the Women's Rest Centre Building would be demolished. The existing accessible toilets located on Pacific Highway would remain with usage to be monitored by Council so as to ascertain whether additional replacement facilities are required (refer Condition 39).
Support ample underground parking.	Noted.
Request disabled parking, bicycle rack and motorcycle/electric vehicle parking.	Disabled parking is proposed in accordance with Australian Standards. A bicycle rack is provided next to the outdoor seating area which has good casual surveillance. Motorcycle parking is available within standard parking spaces.
Disable access including access to Leisure pool and question re: step/seat along 25m pool.	An access ramp along the northern side of the LTS pool is available for disabled accessed. Access to the leisure pool is provided at floor level along the northern side gaining depth gradually towards the walking zone. Both pools are therefore accessible by wheelchair patrons.
Request outdoor/indoor pool.	The 50m pool has been designed to accommodate shading in the future if deemed appropriate, however only 25m pool and leisure pool will be enclosed (indoor).
Support for learn to swim.	Noted.

Protection of hand-hewn sandstone sculpture on Women's Rest Centre Building	A condition of consent requires that this feature should be relocated to a suitable new position as part of an overall interpretation display for Hornsby Park (refer Condition 4).
Concerns with traffic study not taking into account school carnivals.	The Traffic and Parking Impact Assessment undertaken by McLaren Traffic Engineering assessed issues generally associated with aquatic centres. School carnivals are normally an activity undertaken within an aquatic centre and have therefore been taken into account within the study.

In summary, the main public concerns regarding the development generally involve:

- Removal of the Country Women's Rest Centre building;
- Pool configuration and facilities;
- Traffic/parking concerns;
- Energy efficiency and sustainability;
- Noise impacts;
- Vegetation removal; and
- Removal of public toilet.

All of these concerns have been addressed above or within suitable conditions of consent.

5.2 Public Agencies

The development application is not identified as Integrated Development under Section 91 of the Act. Despite this, the application was referred to the following Agencies for comment:

5.2.1 Rural Fire Service

On 18 November 2011, the RFS provided the following advice:

The Service recognises that the site is constrained and that the proposed development falls within the Flame Zone. Flame Zone development is high risk development; consequently, in situations such as this, the Service seeks to improve the overall fire safety of the existing development. This requires greater emphasis on construction standards, landscaping, siting, and vegetation management practices to ensure improved levels of protection are afforded to the development, its occupants and fire fighters. The Service has undertaken a merit based assessment of the proposal and provides the above advice in accordance with 'Planning for Bush Fire Protection 2006'.

Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.

Riparian Areas

The asset protection zones (APZ) required as part of the development will encompass land that will be located within a riparian corridor/area. Ecological management of the riparian area may conflict with that required for the APZ's. In this regard the applicant will need to liaise with the relevant Government

Comment: The requirements of the RFS generally mirror those provided within the Bushfire Assessment undertaken by Sydney Bushfire Consultants. The impact of these recommendations has been discussed within Section 3.1.1. Furthermore it is noted that required APZ's are located wholly within the subject site.

RFS requirements have been included within recommended conditions of consent (refer Conditions 59 – 64).

5.2.2 Roads and Maritime Services

On 12 January 2012, the RMS provided the following advice:

Reference is made to Council's correspondence dated 31 October 2011 regarding the subject development which requires consent from Roads and Maritime Services (RMS) for the modification of traffic control lights under Section 87(4) and approval under Section 138(2) of the Roads Act 1993.

RMS concurs with the development and will approve the proposed modification to the traffic control signals that incorporates the proposed vehicular access serving the Hornsby Aquatic Centre via a fourth (western leg) connection to the existing Pacific Highway / Coronation Street traffic signals provided that the following requirements are met:

RMS requirements included the provision of a dedicated left turn only lane exiting the Aquatic Centre access. This and other requirements have been included within recommended conditions of consent (refer Condition 65).

Council's Traffic and Road Safety Branch concurred with the comments from RMS specifically the requirement for a left turn only lane.

As discussed above, the requirement for a left turn only lane was also reviewed by Council's Landscape Architect Team and deemed appropriate.

5.2.3 NSW Police

The NSW Police provided the following email advice on:

I've looked at the plans and from what I see there are no real issues that need addressing. In saying that nearing completion and viewing in real terms may give a better idea of issues and minor issues can be looked into then. It is difficult to visualise from a 2D drawing/plan.

As for traffic I discussed with Deb Birmingham our traffic officer and we agreed

the intersection of Coronation and the Pacific highway may have some issues in peak times. That is north bound lanes of the Pacific HWY cars turning into the lane way faced with pedestrians would bank up the traffic along the Pacific HWY as that lane is turn left and go straight with lane 2 being right turn only. It would be far better to have the entrance further up the roadway or have traffic entering the complex do so from Coronation street.

The comments are not consistent with the advice of Council's Traffic & Road Safety Branch and would be subject to further consideration of the Local Area Traffic Committee and the RMS. The comments of the RMS will clarify this matter. In any event it would appear the proposal is satisfactory to NSW Police in respect to crime prevention issues subject to Section 5.2.12 of the SEE.

Comment: It is noted that the above comments do not reflect those provided by Council's Traffic and Road Safety Branch (discussed below), however the RMS has advised that the proposal is satisfactory subject to conditions (discussed above). Furthermore, it is noted that the NSW Police support the proposal on CPTED principles.

6. THE PUBLIC INTEREST

Section 79C(1)(e) of the Act requires Council to consider “the public interest”.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council's and relevant agencies' criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed Hornsby Aquatic Centre would be in the public interest.

CONCLUSION

Continued decline in the structural integrity of the present Hornsby Aquatic Centre, and associated risks with its safe operation, lead to the closure of the pool in 2010. Hornsby Shire Council now proposes to demolish this facility and associated structures and construct a new Aquatic Centre essentially in the same location, involving three pools and supporting buildings, tree removal, construction of access and parking, and associated site works, drainage work and landscaping.

Community consultation, substantial expert consultants' advice and assessment from a number of Council staff, have been key elements in the development of this project.

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the standards within SEPP (State and Regional Development) 2011, SEPP 19 – Bushland in Urban Areas, SEPP 55 - Remediation of Land, SEPP (Infrastructure) 2007, the Hornsby Shire Local Environmental Plan 1994 and the objectives and development controls within the Access and Mobility DCP,

Hornsby Heritage DCP, Sustainable Water DCP, Waste Minimisation DCP. It is considered the proposed development is consistent with the relevant requirements of these planning controls.

The proposal would involve construction of a new driveway access along the southern edge of the Park connecting with the Coronation Street intersection which would also be upgraded. This access approach has been supported by the applicant's traffic consultants as well as Council's Traffic Committee and the RMS.

As part of the development, the existing Women's Rest Centre building and a heritage listed pine are proposed to be removed. This arrangement is deemed appropriate by the applicant's heritage consultants, as well as Council's Heritage Advisory Committee, when considered against the proposed benefits of the proposal and costs of alternative arrangements.

The Hornsby Aquatic Centre has been a key community facility since 1962. The proposed new centre has clear positive social impacts in terms of replacing an important community facility with a purpose built centre which is safe, functional, and respects the setting and context of the site.

Taking the above into consideration, the proposal is recommended for approval subject to appropriate conditions of consent.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to Section 147 of the *Environmental Planning and Assessment Act 1979* in respect of the subject planning application.

Attachments:

1. Locality Plan
2. Architectural Drawings
3. Landscape Drawings
4. Stormwater Drawings
5. Road intersection Drawings
6. Summary of Submissions
7. Loop Road Proposal and Analysis

SCHEDULE 1

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation

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

Plan No.	Drawn by	Dated
DA01 Survey Plan	McKittrick Fry & O'Hagan	30 Sept 2011
DA02 Demolition Plan	Peter Hunt Architect	30 Sept 2011
DA03 Site Analysis Plan	Peter Hunt Architect	30 Sept 2011
DA04 Site & Roof Plan	Peter Hunt Architect	30 Sept 2011
DA05 Ground & First Floor Plans	Peter Hunt Architect	13 Jan 2012
DA06 Carpark Plan	Peter Hunt Architect	13 Jan 2012
DA07 Elevations	Peter Hunt Architect	13 Jan 2012
DA08 Sections	Peter Hunt Architect	30 Sept 2011
1 – Aquatic Centre / Park Interface Strategy	Paul Scrivener Landscape Architect	06.10.11
2 – Extent of Works Plan	Paul Scrivener Landscape Architect	06.10.11
3 – Vegetation Plan	Paul Scrivener Landscape Architect	06.10.11
C010A, Soil & Water Management Plan	Geoff Ninnes, Fong & Partners Pty Ltd	25/08/2011

The development must be carried out in accordance with the documents listed below and any recommendations provided within:

Document No.	Prepared by	Dated
D01787373 – Statement of	City Plan Services	October 2011

Environmental Effects		
D01787366 – Waste Management Plan	Peter Hunt Architect	Undated
D01787374 – Flora & Fauna Impact Assessment	GIS Environmental Consultants	Sept 2011
D01787380 – Noise Assessment	Acoustic Consulting Engineers Pty Ltd	Sept 2011

2. Removal of Existing Trees

This development consent only permits the removal of trees numbered 14 - 30, 39, 59, 61- 64 as identified on Tree Assessment Audit Figure 2 prepared by Growing My Way Tree Services dated July 2011. The removal of any other trees requires separate approval under Council's Tree Preservation Order unless required as part of Asset Protection Zone identified by the NSW RFS.

3. Amendment of Plans

The approved plans are to be amended as follows:

- a. The colour scheme for the Aquatic Centre is to comprise recessive colours that are sympathetic with the landscape setting of the Centre within the Park. Details to be provided with CC plan.
- b. The proposed new access road should be designed as a two lane approach with a left turn bay of appropriate length. The plans to be reviewed by Council's Parks and Landscape Team.

4. Heritage Conservation

- a. Prior to demolition, the existing Women's Rest Centre building and the existing pool complex must be photographically recorded and an archival record of its architecture and social contribution prepared in accordance with NSW Office of Environment and Heritage guidelines and submitted to Council's Social Studies Library.
- b. The circular bas-relief sculpture of carved sandstone created by Hugo Kocken and set into the brick wall adjacent to the Women's Rest Centre building must be salvaged and safely housed by Council until featured in a future landscaping element within Hornsby Park.

5. Demolition

All demolition work must be carried out in accordance with *Australian Standard 2601-2001 – The Demolition of Structures* and the following requirements:

- a. Demolition material is to be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan.

- b. Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by WorkCover NSW in accordance with the *Work Health & Safety Regulation 2011* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*.
- c. On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.
- d. Erosion and sediment control measures must be provided and maintained throughout the demolition period in accordance with the manual '*Soils and Construction 2004 (Bluebook)*', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.
- e. A sign must be erected in a prominent position on the demolition site showing the name, address and telephone number of the contractor and stating that unauthorised entry to the site is prohibited.

6. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

Note: DECCW has prepared guidelines for construction noise: Interim Construction Noise Guidelines – 2009.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Building Code of Australia

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

8. Water/Electricity Utility Services

The applicant must submit written evidence of the following service provider requirements:

- a. *Energy Australia* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.

- b. Sydney Water – the submission of a 'Notice of Requirements' under s73 of the Sydney Water Act 1994.

Note: Sydney Water requires that s73 applications are to be made through an authorised Sydney Water Servicing Coordinator. Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

9. Dilapidation Report

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of the following properties adjacent to the southern boundary of the site:

Nos. 201-203 Pacific Highway
No. 199 Pacific Highway
No. 2 Dural Street
No. 6 Dural Street
No. 8 Dural Street

10. Construction Management Plan

In order to enable unencumbered movement of traffic in the public road during construction works, a Construction Management Plan, including a Traffic Management Plan and scaled construction plan prepared by a suitably Chartered and Qualified Chartered Engineer and Qualified Worksite Traffic Controller shall be prepared and submitted with the Construction Certificate according to the following requirements:-

- a. A copy of the plans shall be submitted for consideration and written approval by Hornsby Shire Council's Manager, Subdivisions prior to the release of the Construction Certificate.
- b. The plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.
- c. In order to prevent injury, accident and loss of property, no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without written consent of Hornsby Shire Council.
- d. The Plan shall be generally in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 1998" and detailing:-
 - Public notification of proposed works;
 - Long term signage requirements;
 - Short term (during actual works) signage;
 - Vehicle Movement Plans, where applicable;

- Traffic Management Plans;
 - Pedestrian and Cyclist access and safety;
- e. The plans shall indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road to be facilitated at all times.
 - f. The Applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.

11. Stormwater Drainage

The stormwater drainage system for the development must be designed in accordance with the following requirements:

- a. Connected directly to existing open drain located in the southern boundary of the site.
- b. Construction of Head wall and energy dissipators which shall be located at the natural low point of land and creek bed.
- c. Pipe drainage system shall be designed for an average recurrence interval of 20 years.
- d. Provision shall be made to collect all piped drainage system from the existing properties along the southern boundary and connected to the proposed pipe drainage system.
- e. Construct an unobstructed catch drain/overland stormwater flow designed to contain the 1 in 100 year stormwater runoff from adjoining catchment located along the southern boundaries of the proposed development and from Pacific Highway.

12. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed in accordance with *Australian Standards 2890.1, 2890.2*, and the following requirements:

- a. All Parking area and driveways are to be sealed to an all weather standards, line marked and signposted.
- b. The geometry of parking spaces and aisles shall comply with User Class 2 (AS2890.1) space width 2.5m, aisle width 5.8m.
- c. Truck / Garbage Truck access is to comply with requirements of Council's Waste Management Services. A turning area suitable to accommodate 11.25m turning radius garbage truck with height clearance of 4.5m.

- d. The ramp gradient for the first 6 metres into the property at the road boundary shall be 1 in 20 and for the driveway where garbage truck requires access, the driveway shall not exceed 1 in 8.
- e. The pavement is to be 6.5 m wide with kerb and gutter both sides with a minimum gradient of 3 percent and a lintel and pit provided at the low point.
- f. Retaining walls required to support the carriageway and the compaction of all fill batters are to be in accordance with the requirements of a chartered structural engineer.
- g. The provision of safety rails where there is a level difference more than 0.3 metres and a 1:4 batter cannot be achieved.
- h. Pavement shall be designed for ESA's 6 x 10⁴.
- i. Conduit for utility services including electricity, water, gas and telephone is to be provided.

13. Road Works

All road works approved under this consent must be designed in accordance with Council's *Civil Works Design and Construction Specification, 2005* and the following requirements:

- a. A signalised traffic intersection shall be constructed at the entrance/exit to the development. Approval from Roads & Maritime Services is to be submitted to Council prior to issue of the Construction Certificate for the road works.
- b. A full width paved footpath with pram ramps to be constructed within the road verge of the proposed access intersection.
- c. A kerb and gutter and pavement in line with the adjoining subdivision, together with footpath formation, necessary drainage and sealing of road pavement between the existing pavement and lip of the gutter.
- d. Redundant gutter and/or footway crossings must be replaced with integral kerb and gutter. The footway area must be restored by turfing.

14. Traffic Control Plan

A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the *Roads & Traffic Authority's Traffic Control at Worksites Manual 1998* and *Australian Standard 1742.3* for all work on a public road and be submitted to Council. The TCP must detail the following:

- a. Arrangements for public notification of the works.

- b. Temporary construction signage.
- c. Permanent post-construction signage.
- d. Vehicle movement plans.
- e. Traffic management plans.
- f. Pedestrian and cyclist access/safety.

15. Hornsby Local Traffic Committee

The Pacific Highway/Coronation Street intersection layout and on-street car parking layout adjoining the intersection must be referred to the Hornsby Local Traffic Committee for approval prior to issue of the Construction Certificate.

16. Energy Efficiency

In accordance with Council Policy F2007/00307 "Sustainable Energy for New Council Assets" the aquatic centre must be carbon neutral in terms of energy consumption. Verification that the design meets the requirements of Council's Policy must be provided by a suitably qualified consultant prior to issue of the Construction Certificate.

17. Landscaping

A program of planting replacement or supplementary Turpentine trees is to be submitted to and approved by Council to ensure that their historically dominant role in the park continues into the future.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

18. Erection of Construction Sign

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

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

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

19. Protection of Adjoining Areas

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- a. Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic.
- b. Could cause damage to adjoining lands by falling objects.
- c. Involve the enclosure of a public place or part of a public place.

Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.

20. Toilet Facilities

Toilet facilities must be available or provided at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site. Each toilet must:

- a. be a standard flushing toilet connected to a public sewer; or
- b. be a temporary chemical closet approved under the *Local Government Act, 1993*; or
- c. have an on-site effluent disposal system approved under the *Local Government Act, 1993*

21. Erosion and Sediment Control

Erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual '*Soils and Construction 2004 (Bluebook)*', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 may be issued for any non-compliance with this requirement without any further notification or warning.

22. Tree Protection Barriers – Hornsby Park

Tree protection fencing must be erected along the extent of construction works as identified on Plan C010/A prepared by Geoff Ninnis, Fong & Partners, 25/8/11. The tree fencing must be constructed of 1.8 metre cyclone chainmesh fence.

23. Establishment of Asset Protection Zone

- a. The extent of the Inner Protection Area and Outer Protection Area within the approved Asset Protection Zone shall be permanently delineated on the site by the erection of highly visible non-combustible survey markers or a similar method at a spacing distance of 30 metres apart along the boundary of the inner and outer protection areas in order to prevent the encroachment into the adjoining bushland for the purposes of clearing for bushfire protection.
- b. Trees within the Asset Protection Zone that have been identified for removal as per the recommendations of the NSW Rural Fire Service and Sydney Bushfire Consultants (July 2011) shall be identified on-site prior to any vegetation works occurring in the proposed Asset Protection Zone.
- c. Prior to the commencement of Asset Protection Zone (APZ) works the engaged contractor is to provide a Vegetation Management and Restoration Plan (VMRP) and associated Schedule of Works for bush regeneration within the APZ as follows:
 - i. The VMRP must be developed in accordance with Council's Vegetation Management and Restoration Plan guidelines;
 - ii. The VMRP must include recommendations as per "Section 8: Ameliorative Recommendations" in *Flora and Fauna Impact Assessment Report* prepared by GIS Environmental Consultants (September 2011);
 - iii. The VMRP must include a Maintenance plan for the ongoing management of the APZ for a minimum of 3 years after the initial construction of the proposed APZ;
 - iv. The VMRP must include weed removal methods and strategies;
 - v. The VMRP must include seed collection and propagation proposal; and
 - vi. The VMRP must include planting scheme (including offset planting for the loss of trees and vegetation as a result of the construction of the facility and APZ works).

24. Aboriginal Cultural Heritage Conditions

All persons involved in the vegetation removal processes within the area of the APZ, must be fully educated on the identification of Aboriginal stone artifacts and sites and have clear knowledge of the legislation in place to protect Aboriginal Cultural Heritage and the penalties involved with disregard to these legislation. Education can be provided by GTLAC on site representative.

REQUIREMENTS DURING CONSTRUCTION

25. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

Note: DECCW has prepared guidelines for construction noise: Interim Construction Noise Guidelines – 2009.

26. Compliance with Waste Management Plan

- a. Appropriate work practices shall be employed to implement the *Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage* as applicable.
- b. Written records of the following items must be maintained during the removal of any waste from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works:
 - i. The identity of the person removing the waste;
 - ii. The waste carrier vehicle registration;
 - iii. A description of the waste (type of waste and estimated quantity);
 - iv. The site to which the waste is to be taken;
 - v. The corresponding tip docket/receipt from the site to which the waste was transferred (noting date and time of delivery, description (type and quantity) of waste);
 - vi. Whether the waste is expected to be reused, recycled or go to landfill.

Note: In accordance with the Protection of the Environment Operations Act 1997, the definition of waste includes any unwanted substance, regardless of whether it is reused, recycled or disposed to landfill.

27. Environmental Management

The site must be managed in accordance with the publication 'Managing

Urban Stormwater – Landcom (March 2004) and the Protection of the Environment Operations Act 1997 by way of implementing appropriate measures to prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction of the development.

28. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along the Pacific Highway during works and until the site is established.

29. Works near Trees

All required tree protection measures are to be maintained in good condition for the duration of the construction period.

All works (including driveways and retaining walls) within 6 metres of any trees required to be retained (whether or not on the subject property, and pursuant to this consent or the *Tree Preservation Order*), must be carried out under the supervision of an 'AQF Level 5 Arborist' and a certificate submitted to the principal certifying authority detailing the method(s) used to preserve the tree(s).

Note: Except as provided above, the applicant is to ensure that no excavation, filling or stockpiling of building materials, parking of vehicles or plant, disposal of cement slurry, waste water or other contaminants is to occur within 4 metres of any tree to be retained.

30. Bushland Protection Prior and During Construction

To ensure the protection of bushland during construction, the applicant must ensure the following:

- a. No building materials or machinery are stored within areas of retained bushland;
- b. All machinery to be cleaned of soil and debris before entering the site to prevent the spread of weeds and fungal pathogens.

Actions such as tree removal, understorey slashing or mowing, removal of dead trees within this vegetation would likely impact upon this endangered ecological community. Such action would qualify as illegally picking or disturbing the habitat and could render any person who carried out such action as LIABLE FOR PROSECUTION.

31. Asset Protection Zone Construction

- a. Any clearing for bushfire protection within the approved Asset Protection Zone shall be undertaken using manual methods including manual removal of dead timber, raking and removal of leaf litter (fine fuel), manual slashing of understorey vegetation such as a hand held

brushcutter and other methods that ensure minimal environmental damage and erosion whilst maintaining the vegetation at a low fuel reduced state. Indigenous vegetation including trees and shrubs shall be retained in partially thinned scattered clumps to ensure the vegetation is non-continuous. Underscrubbing is to retain 15 centimetres of groundcover vegetation (including grass and herbaceous species) and all vegetation greater than three metres in height is to be otherwise retained. No removal of native vegetation shall occur within 10 metres of a natural watercourse. Clearing is not permitted in bushland outside the asset protection zone. No mulch or garden waste is to be deposited in bushland.

- b. No clearing of native vegetation including trees, shrubs and groundcovers for bushfire protection is to occur, except in the areas approved by Council and the NSW Rural Fire Service. All Asset Protection Zone work shall comply with the Planning for Bushfire Protection Guidelines 2006.
- c. Prior to the approved removal of hollow bearing trees the applicant is to carry out the following actions to prevent harm to native wildlife:
 - i. Capture wildlife from the hollows with traps set at a minimum one or two nights prior to tree removal. Any wildlife captured shall be relocated locally into a nesting box.
 - ii. Arrange for a Wildlife Carers Organisation to be present on site during tree felling to assist in the event of fauna injury due to the presence of tree hollows that provide habitat for native fauna.
 - iii. Ensure the trees are removed in sections by a qualified Tree Surgeon just prior to dusk when roosting animals would be alert and likely to disperse 'naturally' from the site. Ensure that trees are knocked several times (with a hammer etc.) to alert any roosting animals of the possibility of danger. Ensure that all tree hollows are examined prior to and immediately after their removal to ensure roosting animals are free from danger.

WIRES (Wildlife Rescue) volunteers can be contacted on (02) 8977 3333 or Wildlife Services Sydney Metropolitan volunteers can be contacted on (02) 9413 4300. Information on animal nesting boxes can be gained from WIRES, Kalkari Information Centre in Ku-Ring-Gai Chase National Park, or Birds Australia web site – www.birdsaustralia.com.au

32. Setback from Prescribed Stream

A buffer setback of 10 metres must be provided from the crest of the watercourse to any construction works. The setback area must be suitably vegetated with native grasses to facilitate the filtration of surface runoff.

33. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas and natural landscape features, (including natural rock-outcrops, vegetation, soil and watercourses) must not be altered unless otherwise nominated on the approved plans.

34. Landfill

Landfill must be constructed in accordance with Council's '*Construction Specification, 2005*' and the following requirements:

- a. All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.

35. Excavated Material

All excavated material removed from the site must be classified in accordance with the *NSW Environment Protection Authority's Environmental Guidelines – Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal to an approved waste management facility and reported to the principal certifying authority.

36. Dissipater At Watercourse

Flow velocity reduction controls must be installed from the stabilised rock energy dissipater mattress to the watercourse, to prevent erosion and scouring impacts along the stormwater flow path.

37. Survey Report – Finished Floor Level

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete at each level of the building certifying that:

- a. The building, retaining walls and the like have been correctly positioned on the site.
- b. The finished floor level(s) are in accordance with the approved plans.

38. Aboriginal Cultural Heritage Conditions

If any Aboriginal objects are discovered during operations, all work will cease in the area and the Contractor will inform the Contract Manager as soon as possible. Council will advise the preferred course of action and liaise with the Office of Environment and Heritage and the relevant local Aboriginal stakeholders if required.

Should any skeletal remains be unearth during any works or associated activities, all work must cease immediately within that vicinity and the NSW Police, Office of Environment and Heritage, NSW Coroner's Office and GTLAC are to be contacted.

39. Toilet Facilities

The usage and operation of the accessible toilet at the front of the Women's Rest Centre is to be monitored during construction by Council, to determine if this facility is adequate to service the general public, or whether a new additional public toilet facility is required. Should an additional facility be required, such a facility is to be provided in an appropriate location within six (6) months of the issuing of the Occupation Certificate.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Note: For the purpose of this consent, a reference to 'occupation certificate' shall not be taken to mean an 'interim occupation certificate' unless otherwise stated.

40. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from Sydney Water.

41. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, public drainage systems and driveways.

42. Vehicle Access and Parking

The construction of the carpark and access in accordance with AS2890.1. Certification of the construction by a suitably qualified consultant is to be provided prior to issue of the Occupation Certificate.

43. Landfill

Landfill must be constructed in accordance with Council's 'Construction Specification, 2005' and the following requirements:

- a. A compaction certificate is to be obtained from a geotechnical engineer verifying that the specified compaction requirements have been met.

44. Heritage Conservation

- a. A seedling is to be propagated from the existing Lone Pine tree (Tree No. 61) *Pinus halepensis* and planted in an appropriate location in consultation with the Hornsby RSL Sub Branch. Should propagation be unsuccessful, a replacement tree certified as having been grown from original plant material sourced from Gallipoli, shall be planted following consultation with Hornsby RSL Sub Branch.
- b. A Interpretation Strategy/Plan prepared by a suitably qualified consultant to inform interpretation facilities/displays for the Park is to be submitted to and approved by Council and implemented prior to issue of the Occupation Certificate.
- c. The carved sandstone bas-relief plaque currently set into the southern brick wall near the Women's Rest Centre building is to be relocated to a suitable new position as part of the approved interpretation display for Hornsby Park.

45. Food Premises

- a. The fit out and operation of that part of the building to be used for the manufacture, preparation or storage of food for sale, must be in accordance with *Australian Standard 4674-2004 - Design and fit out of food premises*, the *Food Act 2003*, *Food Regulation 2010* and the *Food Standards Code developed by Food Standards Australia New Zealand*. Food Standards 3.3.1, 3.2.2 and 3.2.3 are mandatory for all food businesses. *Note: Walls are to be of solid.*
- b. Written permission must be obtained from Sydney Water before discharging trade wastewater to the sewer. Food outlets and food services are required to install and maintain an adequately sized grease trap. A dry basket arrestor or bucket trap is necessary if there are floor wastes in the food preparation and handling areas. Floor wastes must drain to the grease trap servicing the kitchen. Refer to the Sydney Water publication '*Managing trade wastewater in the food service industry*'. An application must be submitted to Sydney Water, refer to sydneywater.com.au or phone 13 2092.
- c. A kitchen exhaust system must be designed and installed to effectively prevent air pollution in accordance with the *Protection of the Environment Operations Act 1997*.

46. Completion of Landscaping

A certificate must be provided by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying that all required landscaping works have been satisfactorily completed in accordance with the approved landscape plans.

47. Bushland Restoration – Asset Protection Zone

To ensure the regeneration of bushland, the applicant must ensure the following:

- a. All environmental and noxious weeds including but not limited to Large and Small-leaf Privet (*Ligustrum lucidum* and *Ligustrum sinense*) within the approved APZ are to be removed and suppressed using recognised bush regeneration methods in accordance with 'Recovering bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland – Department of Conservation 2005';

Note: The Guideline is available at: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au/publications), publications.

- b. All weed removal work is to be undertaken by a qualified and experienced bush regeneration consultant.
- c. Revegetation works shall use locally indigenous species that are grown from local provenance stock. The provision of plants for revegetation works may be supplied by Council's nursery in coordination with Council's Community Nursery and Bushwalk Program Coordinator.

If local provenance plants are to be propagated at Council's nursery the collection of seed from suitable plants needs to occur prior to any APZ construction works. Consultation with Council's Community Nursery and Bushwalk Program Coordinator should occur prior to any vegetation removal.

48. Car Parking

No parking signs must be erected to prohibit parking in the waste collection vehicle turning area.

49. Bin Storage Room

The bin storage room must be designed and constructed in accordance with the *Waste Minimisation and Management Development Control Plan* with regards to water/hose for cleansing, graded floors with drainage to sewer, robust door(s), sealed/impervious surfaces, adequate lighting and ventilation.

50. Compliance with Waste Management Plan

A report(s) must be prepared by the principal contractor and submitted to the principal certifying authority prior to the issue of the Occupation Certificate, certifying that:

- a. A comparison of the estimated quantities of each waste type against the actual quantities of each waste type has been made;

- b. Any deviations from the Waste Management Plan (including, but not limited to, types of waste, quantities of waste, destinations of waste, reuse and recycling achieved) have been explained;
- c. All waste was taken to site(s) that were lawfully permitted to accept that waste;
- d. Either
 - i. The Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage were implemented and at least 60 % waste generated was reused or recycled; or
 - ii. If the 60% diversion from landfill was not achieved in the Demolition Stage and/or Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed in the demolition and construction stages to implement the Waste Management Plan.
- e. The Report(s) is based on documentary evidence (i.e. tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures, Licence and/or development consent of site(s) receiving waste, etc) which have been attached to the Report.
- f. The author(s) of the report declared that the report is true in every particular and is not misleading.

OPERATIONAL CONDITIONS

51. Noise – Plant and Machinery

The level of total continuous noise emanating from operation of all the plant, including air conditioning units and processes in all buildings (LA10) (measured for at least 15 minutes) in or on the above premises, must not exceed the background level by more than 5dB(A) when measured at all property boundaries.

An acoustic assessment is to be undertaken by a suitably qualified environmental consultant within 60 days of occupying the site in accordance with the *Environment NSW Industrial Noise Policy (2000)*, *Council's Policy and Guidelines for Noise and Vibration Generating Development (Acoustic Guidelines V.5, 2000)* and the *DECC's Noise Guide for Local Government (2004)*. The assessment must be submitted to Council for review. Should the assessment find that noise from the premise exceeds 5dB(A) appropriate measures must be employed to rectify excessive noise.

52. Trade Waste

Liquid trade waste generated on the site must be discharged in accordance with a trade waste agreement with *Sydney Water* and by a licensed liquid trade waste contractor.

53. Landscape Establishment

The landscape works must be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design. This must include but not be limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

54. Accessibility

A water wheel chair and disabled change room must be made available at the centre.

55. Car Parking and Deliveries

All car parking must be operated in accordance with *Australian Standard AS 2890.1 – 2004 – Off Street Car Parking* and *Australian Standard 2890.2 - 2002 – Off Street Commercial* and the following requirements:

- a. Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- b. With the exception of buses, vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- c. All vehicular entry on to the site and egress from the site shall be made in a forward direction.

56. Car Parking

The operation and implementation of the Hornsby Aquatic Centre car park is to be reviewed by Council's Traffic and Road Safety Branch within 12 months following the issue of the Occupation Certificate to determine any necessary measures to manage and regulate car parking.

57. Swimming Pool Requirements

All waste water from the pool's filtration system must be piped to *Sydney Water's* sewer system. In the event that *Sydney Water's* sewer system is not provided, a filtration system that does not require backwashing must be provided.

58. Bushland Restoration – Asset Protection Zone

The Works Schedule for the APZ shall provide for ongoing maintenance for a minimum of 3 years after the initial construction of the APZ. The establishment and ongoing maintenance of the APZ shall be undertaken to the satisfaction of Council's Environmental Scientist – Fire Management and Council's Environmental Scientist – Bushland Assessments.

CONDITIONS OF CONCURRENCE

The following conditions of consent are from the NSW Rural Fire Service pursuant to Section 79B of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

59. Asset Protection Zones

At the commencement of building works and in perpetuity the property around the building shall be managed as follows:

- a. North for a distance of 20 metres or to the boundary where insufficient, as an Inner Protection Area.
- b. East to the boundary in accordance with Appendix 5 of Planning for Bush Fire Protection 2006 (PBP).
- c. South for a distance of 20 metres or to the boundary where insufficient, as an Inner Protection Area.
- d. West for a distance of 20 metres as an Inner Protection Area and then 10m in the southern end to 30m in the northern end or to the boundary where insufficient, as an Outer Protection Area.

Requirements for an Inner Protection Area are outlined within section 4.1.3 and appendix 5 of Planning for Bush Fire Protection 2006 (PBP) and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Note: The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

60. Water and Utilities

Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Note: The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

61. Access

- a. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

Note: The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

- b. To aid in fire fighting activities, unobstructed pedestrian access to the rear of the property shall be provided and is to be maintained at all times.

Note: The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area.

62. Evacuation and Emergency Management

Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Note: The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

63. Design and Construction

- a. New construction on the west elevation(s) shall comply with section 9 (BAL FZ) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'. However, where any material, element of construction or system when tested to the method described in Australian Standard AS1530.8.2 'Methods for fire tests on building materials, components and structures' Part 8.2: 'Tests on elements of construction for buildings exposed to simulated bushfire attack—Large flaming sources', it shall comply with Clause 13.8 of the Standard except that flaming of the specimen is not permitted.
- b. Window assemblies on the west elevation(s) shall comply with one of the following:
 - (1) Clause 9.5.2 of AS 3959-2009 as modified above;
 - or
 - (2) They shall comply with the following:

- i. Completely protected by a non-combustible and non perforated bushfire shutter that complies with Section 3.7 of AS3959-2009 excluding parts (e) & (f).
 - ii. Window frames and hardware shall be metal.
 - iii. Glazing shall be toughened glass minimum 6mm.
 - iv. Seals to stiles, head and sills or thresholds shall be manufactured from materials having a flammability index no greater than 5 or from silicone.
 - v. The openable portion of the window shall be screened internally or externally with screens that comply with Clause 9.5.1A.
- c. External Doors and door frames (not including garage doors) on the west elevation(s) shall comply with one of the following:
 - (1) Clause 9.5.3 or 9.5.4 of AS 3959-2009 as modified above;
 - or
 - (2) They shall comply with the following:
 - i. Completely protected by a non-combustible and non perforated bushfire shutter that complies with Section 3.7 of AS3959-2009 excluding parts (e) & (f).
 - ii. Doors shall be non-combustible.
 - iii. Externally fitted hardware that supports the panel in its function of opening and closing shall be metal.
 - iv. Where doors incorporate glazing, the glazing shall be toughened glass minimum 6mm.
 - v. Seals to stiles, head and sills or thresholds shall be manufactured from materials having a flammability index no greater than 5 or from silicone.
 - vi. Door frames shall be metal. (vii) Doors shall be tight fitting to the doorframe and to an abutting door if applicable.
 - vii. Weather strips, draught excluders or draught seals shall be installed at the base of side-hung external doors.
- d. New construction on the north, east and south elevation(s) shall comply with section 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'.
- e. All new fencing shall be non-combustible.

Note: The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

64. Landscaping

Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

CONDITIONS OF CONCURRENCE

The following conditions of consent are from the NSW Roads and Maritime Services (RMS) pursuant to Section 79B of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

65. Traffic Control Lights

RMS concurs with the development and will approve the proposed modification to the traffic control signals that incorporates the proposed vehicular access serving the Hornsby Aquatic Centre via a fourth (western leg) connection to the existing Pacific Highway / Coronation Street traffic signals provided that the following requirements are met:

- a The proposed amendments to the traffic signal plans are to be submitted to and approved by RMS prior to the issue of the Construction Certificate for the proposed access road into the Hornsby Aquatic Centre.
- b The following amendments to the intersection of Pacific Highway and Coronation Street are to be incorporated in the amended traffic signal plans:-
 - i. The proposed new access road should be designed as a two lane approach with a left turn bay of appropriate length (in order to improve the flow of traffic and allow the easy dispersion of left turn traffic).
 - ii. Within Coronation Street, Lane 1 is to be Left Turn Only and Lane 2 is to be a shared Through and Right Turn Lane.
 - iii. The phasing of the signals is to be optimized which will include the replacement of the existing filtered Right Turn with a Diamond turn within the Pacific Highway.
- c The concept plan of the proposed intersection modification should be submitted to RMS for review and approval.
- d The efficiency of the Right Turn Bay from the Pacific Highway to the Hornsby Aquatic Centre is to be reviewed 12 months after issue of the Occupation Certificate. This review is to examine queue lengths and the impact, if any, on traffic safety and flows within the Pacific Highway.

- e The signal and civil works at the intersection of Pacific Highway/Access road/Coronation Street shall be designed in accordance with RMS' Road Design Guide, RMS' Traffic Signal Design manual other Australian Codes of Practice. Design plans shall be prepared by a suitably qualified practitioner and submitted to RMS for consideration and approval prior to commencement of any road works.

RMS fees for administration, plan checking, signal works inspection and project management will need to be paid by the developer prior to the commencement of any road works. A ten (10) year operation charge (payable to Roads and Maritime Services) will apply to the new signalized intersection.

- f The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned traffic signal and civil works. The Works Authorisation Deed (WAD) will need to be executed prior to RMS' assessment of the detailed design plans.
- g The developer will be responsible for all public utility adjustment/relocation works necessitated by the above works and as required by the various public utility authorities and/or their agents.
- h All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

END OF CONDITIONS

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act, 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the *Long Service Payments Corporation* or *Hornsby Council*.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Advertising Signage – Separate DA Required

This consent does not permit the erection or display of any advertising signs. Most advertising signs or structures require development consent. Applicants should make separate enquiries with Council prior to erecting or displaying any advertising signage.

Asbestos Warning

Should asbestos or asbestos products be encountered during demolition or construction works you are advised to seek advice and information should be prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by *WorkCover NSW*) be engaged to manage the proper handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

Alternatively, telephone the *WorkCover Asbestos and Demolition Team* on 8260 5885.

Rain Water Tank

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. *NSW Health* recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

Food Authority Notification

The *NSW Food Authority* requires businesses to electronically notify the Authority prior to the commencement of its operation.

Note: NSW Food Authority can be contacted at www.foodnotify.nsw.gov.au.

Dewatering

Should dewatering of excavation be required, an aquifer interference approval will need to be sought from the NSW Office of Water prior to construction.