

**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/Reviewing Officer:	Tim Shelley (ADW Johnson)

ADDENDUM TO ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

1. The applicant proposes the demolition of the existing Aquatic Centre and associated structures and removal of trees, to develop a new three level Aquatic Centre with basement parking, including associated site works, road works, drainage works and landscaping.
2. The application requires the demolition of the Women's Rest Centre building at the southern end of the site for access.
3. The application was presented to the Joint Regional Planning Panel on 23 February 2012 where in-principle support was given to the proposal to demolish and rebuild the existing swim centre but subject to further investigation in relation to the access to the new centre with a view to providing a "less engineered solution" which has "less heritage impact".
4. The applicant has undertaken further investigation into the proposed access arrangements and potential options available to avoid the need to demolish the Women's Rest Centre building. Based on the results of these investigations, the access as proposed is considered the best option subject to amended consent conditions to address impact on heritage significance (refer amended Conditions 4 and 44).
5. The assessment of the application has relied upon various experts' advice to form a recommendation based on the statutory framework provided for under Section 79C of the Environmental Planning and Assessment Act 1979.
6. It is recommended that the application be approved.

RECOMMENDATION

THAT Development Application No. 1129/2011 for the demolition of existing structures, removal of trees, construction of a three level Aquatic Centre including basement parking and associated site works, drainage works and landscaping (Staged Development) at Lot 7306 DP 1157797, 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.

BACKGROUND

The subject application was presented to the Joint Regional Planning Panel (JRPP) on 23 February 2012 where the following was resolved:

"The Panel has decided that it agrees with only two aspects of the application before it tonight, namely –

- 1 – The demolition of the existing aquatic centre, and*
- 2 – The erection of the proposed new aquatic centre of three levels and basement parking.*

However, the Panel requires the applicant to give further consideration to the access across the heritage listed Hornsby Park and would prefer a roadway that is more sensitive to the heritage significance of the Park and will retain the CWA building.

The Panel recommends a less engineered solution for this roadway, not involving major works on the Pacific Highway, and considers the road should be designed to have less heritage impact, not to be designed for heavy vehicles but for the most likely users – namely domestic cars, and to be more respectful to existing plantings.

The panel accepts the need for the removal of the Pine tree and agrees with the manner in which the applicant intends to deal with a replacement tree."

As a result of the above, the applicant has undertaken further investigations into the proposed access to address the issues highlighted by the JRPP, including the option proposed by Mark Cambourn on the night of the JRPP meeting. The applicant engaged an independent traffic engineer and an independent heritage architect to peer review Council's application and to assess and recommend as to the appropriate design solution having regard to the JRPP's decision.

Accordingly, the following addendum report provides a further assessment of the aspects of the application raised by the JRPP and identifies the extent to which the resolution of the JRPP has been satisfied. For simplicity, the report concentrates only on the issues raised by the JRPP, with all remaining issues assumed to have been satisfactorily addressed in the original JRPP Assessment Report.

THE PROPOSAL

The proposal remains essentially as described within the original report. However, the following amendments have been made by the applicant as a result of the review of the proposal by the various additional consultants in response to the resolution of the JRPP:

- i. the retention of the Kocken Plaque (i.e. the bas relief sculpture) in its original location and reuse of a sandstone blade wall from the Women's Rest Centre Building as part of the interpretation scheme to be implemented;
- ii. enhancement of the Coronation Street/Pacific Highway intersection; and

- iii. Removal of vehicle access to an overflow parking area in the north-western corner of the park and the return of this area to park use.

ASSESSMENT

Following the decision of the JRPP on 23 February 2012, the applicant undertook the following additional investigation into the access arrangements to the Aquatic Centre:

1. **Traffic** – *Potential Access Arrangement Independent Review (Brown Consulting)* – Independent Traffic and Access Review of all 13 access options.
2. **Waste Collection** – *Review Access Options for Waste Collection Issues (GHD)* – assessment of access options for waste collection based on options 1 through to 12.
3. **Work Health and Safety** – *Review Access Options for Work Health Safety Issues (GHD)* – assessment of work, health and safety impacts from access options 1 through to 12.
4. **Heritage** – two additional reports as follows:
 - a) *The Impact of 13 Vehicular Options to the Proposed New Aquatic Centre on Landscape Heritage Values of Hornsby Park (Mayne-Wilson & Associates);*
 - b) *Heritage Review – Hornsby Aquatic Centre Redevelopment (Weir Phillips)* - includes:
 - Peer review of the existing heritage assessment completed by Mayne-Wilson & Associates;
 - Peer review of the existing heritage assessment completed by Howard Heritage Consultancy;
 - Further analysis on the heritage values of Hornsby Park;
 - Further analysis on the heritage values of the Women's Rest Centre Building; and
 - Heritage impact assessments of access options 1, 2 and 8.
5. **Landscape** – *Statement of Environmental Effects/Assessment of Landscape Impacts of Alternate Access Options (Paul Scrivener Landscape Architect)* – a new report focussing on the landscape impact of Options 1 – 12.
6. **Arborist** – *Addendum to Tree Assessment (Growing My Way)* – an addendum to the tree assessment submitted with the original application which assesses the impact of utilising the existing northern roadway to provide access (Options 8 & 8b) on the adjacent heritage listed trees.
7. **Cost** – *Preliminary Budget Cost Estimates Report (Brown Consulting)* – provides cost estimates of each of the 13 access options identified in the traffic report by Brown.
8. **Town Planning** – *Evaluation of Vehicle Access Options (City Plan Services)* –

town planning report summarising and evaluating the various options identified in the traffic report by Brown based on both the cost and the likely impact of each. This report then provides a response to the JRPP resolution and a recommendation as to which option is preferred, or considered to have best addressed the issues raised by the JRPP.

A copy of the reports listed above is provided as Attachment 1 to this report. A summary of the findings from the above investigations have been detailed below.

1. TRAFFIC

Additional traffic investigations were undertaken on each of the 13 traffic options as follows:

- Option 1 – revised original two-way access arrangement to southern portion of site requiring demolition of Women's Rest Centre building;
- Option 2 – two way access arrangement to southern end of the site, north of Women's Rest Centre building; and
- Option 3 – two way access arrangement to northern end site;
- Option 4 – two way access arrangement through TAFE carpark;
- Options 5 & 6 – two way access arrangement via properties within Dural Street;
- Option 7 – two way access arrangement via Old Man's Valley fire trail;
- Option 8 – one way access generally in accordance with the plan presented by Mark Cambourn, entering from the north and exiting from the south.
- Option 9 – one way access entering from the south and exiting from the north (essentially the reverse of the Option 8);
- Option 10 – two way access arrangement to northern portion of site similar to option 3 with an at grade entry to basement car park through playground, presented by Lucy Bal.
- Option 11 – two way access arrangement to northern portion of site similar to option 3 with an access ramp to basement car park;
- Option 12 – two way access arrangement to southern portion of site similar to Option 1 with the inclusion of a slip lane and clear of Women's Rest Centre; and
- Option 13 – two way access at northern end emailed by Graham Hoskins to the JRPP.

It is noted that the report doesn't address Option 8b, which was proposed by Council and involved a minor adjustment to Option 8 via a slight diversion of the driveway at the northern end of the pool carpark to provide improved access and gradients at this location. We do not consider this to be of any consequence to the preparation of the application.

Each of the above options was assessed on the basis of the following criteria:

- Ease of Access;
- Sight Distance at Access Points;
- Impacts of Proposed Accesses on Surrounding Elements;
- Level of Service;
- Internal Queuing;
- Internal Ramp Design; and

- Road safety and good traffic management.

Best Option

The independent analysis concluded that from a traffic and access point of view, Options 1, 2 and 8 were all feasible and could be considered as appropriate options to access the proposed aquatic centre. However, whilst option 8 did provide a workable solution, it was not the preferred option as it required the elimination of the existing right turn movement into the TAFE car park at the northern end of Hornsby Park, which in turn would necessitate a circuitous route for TAFE vehicles travelling from the north. It also resulted in the loss of three (3) car parking spaces on the eastern side of the Pacific Highway to facilitate construction of right turn bay into Hornsby Park at its northern end. Issues regarding waste servicing were also mentioned however these are discussed below.

Likewise, Option 2 was also problematic as it was limited to a left-in/left-out only and was likely to reach capacity in 2021.

On balance, Option 1 was therefore considered to be the best option to provide vehicular access to the site from a traffic management point of view on the basis of the following:

- Rationalisation of access arrangements in Pacific Highway;
- Future performance of access intersection;
- Lower potential queues for exiting traffic within the site;
- Australian standard compliant ramp grades to provide general and service vehicle access;
- No issues with sight distance for exiting traffic;
- No impact to on-street parking to provide the facility; and
- Safest option as all traffic movements are controlled by traffic signals.

Response to JRPP Recommendation

In terms of the recommendations of the JRPP, Option 2 allows the retention of the Women's Rest Centre building and provides a less engineered treatment more along the lines of a domestic scale driveway. However, Option 2 results in greater impact on the heritage value of Hornsby Park, which was a significant issue raised by the JRPP. This issue is discussed in more detail later in the report.

Similarly, Option 8 also allows the retention of the Women's Rest Centre building in line with one part of the JRPP resolution. However, this option also requires the most "engineered solution" as, given the egress is at traffic signals, the RMS requires this intersection to be designed as a roadway, with a widened pavement and additional lanes, as opposed to a single driveway as originally envisaged under this Option. These works would have an adverse impact on the southern portion of the park and as such, is at odds to the resolution of the JRPP to have less impact on the heritage significance of the park. In addition, the northern access off the Pacific Highway would be constructed as a driveway and would result in uncontrolled traffic and pedestrian movements and also restrict access to the TAFE.

Conversely, whilst Option 1 still requires the demolition of the Women's Rest Centre building and an "engineered" solution, it has much less impact on the heritage significance of the park (in fact, it has a positive impact via removal of the northern driveway altogether), which is in keeping with the resolution of the JRPP.

In summary, it is apparent that none of the traffic options completely address the resolution of the JRPP, as they either retain the Women's Rest Centre but adversely impact on the heritage significance of the Park and/or require greater engineering, or conversely, remove the Women's Rest Centre but enhance the heritage significance of the Park. As such, on balance, Option 1 would appear to be the most suitable option as it has more benefits from a traffic management point of view and also results in less impact on the heritage value of Hornsby Park.

2. WASTE

A report was prepared for the applicant to identify the implications of each access option on waste collection for the new aquatic centre. Whilst these investigations explored access options 1 through to 12, it is considered that focussing on only Options 1, 2 and 8 is appropriate given that they would provide the most workable solution with regards to traffic (as discussed above).

In order to accommodate a heavy rigid vehicle, the clearance under the pool would need to be a minimum of 4.5m, whereas it is currently proposed to range from 3.5m (south end) to 2.9m (north end) due to the depth of the 50m pool. Accommodating this clearance has been determined to be unachievable by the applicant due to the associated costs and engineering required. For this reason, waste collection for any access option proposed cannot include the use of a HRV within the basement. Rather, waste collection would need to be made outside of the aquatic centre or alternatively, by a smaller non-standard waste collection vehicle within the basement.

The implications of waste collection on Options 1, 2 and 8 are as follows:

Options 1 and 2

Options 1 and 2 provide two way access to the southern end and in doing so, allow the waste collection methods originally proposed to be employed. Council-contracted heavy vehicles can access waste from outside of the aquatic centre at any time as there is a designated entry and exit lane for these options.

Option 8

Option 8 was originally discounted as it would require standard Council-contracted waste vehicles to drive under the aquatic centre via the one way access road as opposed to being able to use a two way road with turning facilities at one end.

However, to provide a waste service to the aquatic centre using Option 8, alternative waste servicing methods would be required, however a 3.5m head clearance is required for other service vehicles; undertaking waste collection at the Pacific Highway (although this measure has a number of disadvantages, such as safety, vandalism and illegal dumping); and the use of Standard waste vehicles accessing an

outside collection point via the one-way road (this would need to be done outside of public access hours).

Best Option

Options 1, 2 or any other option where two-way access is available, provide the safest and most convenient waste management method.

Response to JRPP Recommendation

The additional report in relation to waste collection options do not specifically respond to the issues raised by the JRPP. Rather, it provides an assessment of the ability to provide waste collection services under each access option. With particular reference to the JRPP resolution, the report indicates that Options 1 and 2 are preferred from a waste management point of view.

3. WORK HEALTH AND SAFETY

GHD undertook an investigation of each access option from a work place safety point of view, specifically with regard to the construction phase of the development and servicing of the aquatic centre by contractors, as well as a general safety audit of the operational phase of the proposal, having regard for issues such as pedestrian safety, vehicle traffic, noise and security. Whilst not specifically responding to any issue raised by the JRPP, a brief summary of the issues raised in and the conclusions of this report are nonetheless provided for completeness.

The summary addresses the two phases of the proposal (i.e. construction and operational) separately as follows:

a) Construction Issues

The following considerations informed the evaluation of the access options for this purpose:

- Access and egress of people, plant and equipment
- Traffic management
- Security, lighting and unauthorised access
- Amenities
- Electrical supplies
- Hazardous substances and dangerous goods
- First aid, fire safety and emergency response procedures
- Noise
- Working at heights or in confined spaces.

From the options being considered for the aquatic centre, access roads would either be one-way or two way. Accordingly, GHD provided a table highlighting the various advantages and disadvantages of both arrangements.

Best Option

The analysis from the GHD review concludes that Option 1 provides the best outcome for the management of construction access due to a range of reasons, including the following:

- Provides rooms for larger vehicles and mobile plant to manoeuvre
- Areas for loading and unloading activities can be more easily established
- Traffic movement on and off public roads is through one location
- Traffic on two-way construction roads is generally slower making pedestrian use safer

The next best ranked alternatives being Options 2 and 12.

b) Operational Issues

The focus of the analysis undertaken by GHD was to review the access options relative to the probable safety issues. For each option, risks were identified and a risk mitigation measure suggested. The level of risk was identified having regard for factors such as pedestrian safety (for patrons, staff and service workers); vehicle conflicts in and around the site; after hours security; increased traffic; and operating noise.

Best Option

Option 1 was identified as the most favourable for the following reasons:

- Relies on stronger risk control measures and is less reliant on human performance factors for safety
- Provides more controls for the safety of visitors (both pedestrian and vehicular) to users of the aquatic centre and Hornsby Park (e.g. children's playground), aquatic centre staff and service providers
- Concentrates traffic flow to one end of Hornsby Park and to one signalised intersection on the Pacific Highway
- Does not concentrate traffic onto residential streets or within the immediate vicinity of the TAFE driveway
- Does not require waste service vehicles to drive under the complex and allows for safe after-hours access to bin store enhancing safety and security
- Incorporates an acoustic barrier which will minimise noise to residential areas as well as blocking out an amount of light from flashing lights on operating waste vehicles
- Does not require specialist waste service vehicles to be engaged to meet car park clearances
- Does not require aquatic centre staff to undertake tasks such as towing or walking of bins up inclines to the road side

Response to JRPP Recommendation

The issue of safety was not specifically identified in the JRPP recommendation. However, the report identifying the best access option appears to have been prepared and submitted to identify that Option 1 has additional benefits beyond the issues identified by the JRPP and in doing so, lends weight to the applicant's argument

that Option 1 remains, on balance, the best option for access into the proposed development.

4. HERITAGE

As discussed at length within the original assessment report and supporting documents, the proposal needs to have significant regard to the heritage listed Hornsby Park. In line with the JRPP recommendations, the impact of the proposed and presented access options has been explored further with regards to the significance of the heritage listed park and the significance of the Women's Rest Centre building.

In addition to the above, investigations with regards to the heritage qualities of the Women's Rest Centre building were also elaborated upon.

The conclusions from the Mayne Wilson & Associates report highlighted that from a heritage impact point of view, Option 5, gaining access through 6 Dural Street, presented the best outcome as far as impacts on Hornsby Park were concerned. As this option is not viable, it has not been discussed further within the assessment.

Option 1

Aside from Option 5, Option 1 has the least adverse impacts on the heritage fabric and values of the park. Key landscape elements of the park would be minimally affected in particular, the D-shaped pathway and the pergolas would remain in place, with landscaping along the southern curve to match that on the northern side of the 'D' pathway.

Option 1 conserves and enhances the heritage values of Hornsby Park by containing road access to the southern boundary and allowing the elimination of a road to the northern end of the park.

Option 2

Option 2 was developed mainly in order to avoid the demolition of the Women's Rest Centre and whilst it generally presents good waste management and traffic outcomes, it is seen as providing the worst impact on the heritage listed park by:

- Reducing the available open space in the southern-central area of the park;
- Requiring the demolition and relocation of the southern pergola;
- Cutting across three historic pedestrian pathways, including the principal one on the north-south axis and the southern D shaped pathway – all identified as important, original, contributory items;
- Losing the opportunity to reinforce the southern D shaped pathway with a complementary avenue of Jacaranda trees adjacent to the southern side of the circular pathway;
- Removing of the bus shelter along the Pacific Highway boundary; and
- Removing the garden bed on the southern section of fronting the street, and a mature Angophora tree.

Both heritage consultants advocated against choosing this option.

Option 8 or 8b

Option 8 was originally seen to provide a “driveway” style solution to the access arrangements, however as the exit is signalised it needs to be designed to RMS standards and is therefore significantly wider than that proposed by Mark Cambourn, as it requires a dedicated left turn lane out of the site.

Option 8b was designed by the applicant as an alternative to the Mark Cambourn design which would confine the steeply ramped cutting to the aquatic centre building zone as opposed to the larger park area.

In general, whilst both Option 8 and 8b allowed for the retention of the Women's Rest Centre building, they were still not the preferred option for the following reasons:

- Two access roads would be required rather than one, thus resulting in the loss of greater areas of open space than would be required by Option 1.
- Significant trees would need to be removed within the northern portion of the site;
- The existing D shaped path would need to be realigned to have a sharper radius and the southern pergola would need to be relocated, thus losing an element of the historical design of the park.
- Require the loss of parts of the front path parallel to the Pacific Highway, an element of the original park design.
- Breaks the park into separate 'parcels resulting in the loss of an understanding of the historical extent and design of the park; and
- Increases the disconnection of the children's play area with the main portion of the park.

In general Option 8 will have negative impacts on the park, especially through the isolation of the playground / BBQ area, access to parkland to the west and removal of some Turpentine trees. Whilst Option 8b presents fewer impacts than does option 8 it is still considered a significantly worse outcome for the park than Option 1.

Women's Rest Centre

Both heritage consultants share the view that the Women's Rest Centre has some (moderate) significance however this is generally related to the social link of the building to the Country Women's Association (CWA).

Whilst the building has a moderate social significance, its design has no regard to the original City Beautiful precepts and Edna Walling-style layout or elements of the Park, and has no aesthetic value. The style, fabric and siting of the building detract from the park's intrinsic character.

Taking the above into consideration, both consultants do not consider that the Women's Rest Centre Building has sufficient value to warrant retention when by doing so, it results in undesirable impacts upon quite a number of the other higher heritage values placed on the landscape elements and character of the park as a whole.

Best Option

Both consultants recommend that the revised version of Option 1 be approved as only this option delivers a high level of overall improvement to the heritage values of the Park. It is further recommended that an archival recording be made of the Women's Rest Centre, and that the Women's Rest Centre and its association with the CWA be interpreted on site.

Response to JRPP Recommendation

In line with JRPP's recommendations for the proposal to have an access which "*is more sensitive to the heritage significance of the Park*", Option 1 is deemed the most appropriate.

Conversely, In line with JRPP's further resolution for the proposal to have an access which "*will retain the CWA building*", Option 8b would be considered.

However, given that Hornsby Park is a locally listed heritage item under the Hornsby Shire Local Environmental Plan 1994, it holds greater statutory weight than the identified significance of the Women's Rest Centre building. For this reason, Option 1 is deemed to be the most appropriate in accordance with the assessment requirements under Section 79C of the Environmental Planning and Assessment Act 1979.

5. LANDSCAPE

Additional landscape investigations were undertaken on all of the above options with regards to impact on the existing park and impact on future landscaping embellishments.

Best Option

The report by Paul Scrivener found that Option 1 provides the least impact on the visual and use pattern of the park for the following reasons:

- Minimal impact upon items of heritage importance such as the bus shelter and associated stone gardens.
- Retains maximum open space for park.
- Presents an opportunity to upgrade the pedestrian access into the SE corner of the site to complement the existing pedestrian entry ways at the north eastern and central eastern park/footpath interface including the high quality stone piers and garden walls and unique tiled paving patterns that identify the entry points to the park.
- The upgraded pedestrian entry is the superior location to facilitate disabled access into the site due to the SE corner being the lowest level to access the site from the public footpath.
- The relationship of the existing playground to the park is unchanged.
- Allows the strong semi-circular path alignment to remain.
- No identified indigenous trees of importance are required to be removed.

Whilst various other options allow for the retention of the Women's Rest Centre Building,

this building is noted as having limited relationship to the open parkland and its retention would have greater impact on the landscape and pedestrian access elements of the park.

Response to JRPP Recommendation

In terms of the recommendations of the JRPP, Option 1 still requires the demolition of the Women's Rest Centre building however it has the least impact on the usability and landscape elements of Hornsby Park. Alternative options - to varying degrees - promote unacceptable impacts that in terms of landscape significance outweigh the contribution the Women's Rest Centre Building makes to the Park as a public asset.

6. ARBORIST

Additional arborist investigations were undertaken for Options 8 and 8b with regards to impact on the existing trees within the Park, given that these options proposed to modify and utilise the existing driveway at the northern end of the site, which is located immediately adjacent to a number of heritage listed trees (predominantly turpentine).

Best Option

The additional arborist's investigation provide further information with respect to only Options 8 and 8b and specific trees affected by same and as such, does not provide a recommendation as to which of the 13 options is best in terms of overall impact on trees. The report does indicate that both Options 8 and 8b would necessitate widening of the existing driveway into the northern end of the aquatic centre. These works would therefore adversely impact upon a number of additional trees which are considered to have heritage significance as part of the overall heritage listing of the Park under Hornsby LEP 1994. The report also indicates that these trees would be subject to potential further root and structural damage by numerous and sustained truck movements throughout the construction period.

Response to JRPP Recommendation

In terms of the recommendations of the JRPP, the report indicates that Options 8 and 8b will have an adverse impact on the heritage significance of Hornsby Park, which is contrary to the resolution of the JRPP.

7. COST

This report provides cost estimates for each of the access options originally investigated by Council, plus the additional two options presented by the public at the JRPP meeting, additional Options 9, 11 and 12 developed by Council as alternatives access options following the JRPP meeting and Option 13 prepared by Graham Hoskins. The preliminary budget cost estimates are based on estimates provided by Hornsby Shire Council utilised on the original seven options. These base rates have been used to compile the budget cost estimates for the additional access options identified.

Best Option

The report identified that from a cost perspective, Option 2 is the cheapest at approximately \$500,000, with Option 6 the next most cost effective at \$700,000 and Option 1 the third most cost effective at \$800,000.

Response to JRPP Recommendation

The issue of cost was not specifically identified in the JRPP recommendation.

8. TOWN PLANNING EVALUATION OF VEHICLE ACCESS OPTIONS

The report from City Plan Services provides a history of the application process and investigations undertaken up to now (i.e. prior to original assessment and determination by JRPP). The report also provides a section addressing the need for vehicle access and car parking on site and the consequences of not providing car parking. The report also provides discussion as to the need for heavy vehicle access.

The City Plan report then provides a detailed evaluation of each of the 13 access options based on the findings of the additional reports prepared in response to the resolution of the JRPP.

Best Option

Option 1 is identified by City Plan as being the preferred option when taking into account the issues raised by the JRPP, particularly heritage.

In relation to car parking, the report indicates that the need to provide onsite parking reflects the community expectations for safe, direct and convenient all weather access, and this has previously been endorsed by Council. Onsite parking will particularly benefit elderly patrons, and those with young children. It will also ensure that the existing supply of public parking in proximity to the pool site will not have to absorb the parking demands generated by the new Aquatic Centre.

In relation to heavy vehicle access, the report finds that there is a clear need to maintain and improve access for emergency vehicles, Sydney Water vehicles (to maintain access to the sewer main) and garbage trucks. This conclusion is based on the frequency of service vehicles attending the former pool complex and the likely increase in patronage, which will increase the amount of deliveries and garbage collection required.

Response to JRPP Recommendation

City Plan has provided the following summary of the extent to which the additional investigations have addressed the recommendation of the JRPP:

"Substantial investigations have been undertaken to determine whether a proper, functional and safe vehicle access can be provided without requiring demolition of the Women's Rest Centre building.

However at the core of that consideration is whether that building warrants retention.

The Women's Rest Centre has been assessed as having insufficient heritage values to be of local heritage significance. Further, its demolition will allow for the provision of a single access road at the southern end of the Park which, on balance, and when measured against all other Options, will have the least adverse heritage impact.

Preservation and enhancement of the amenity and heritage significance of the Park should be the first priority when dealing with change within or adjacent to the park. This imperative takes priority over retention of the Women's Rest Centre.

In addition to being acceptable on heritage grounds, the location, dimensions and geometry of Option 1 are necessary to meet the requirement of relevant Australian Standards having regard to the type and quantity of vehicles which it must serve.

Therefore in response to the Panel's resolution of 23 February, 2012:

Further consideration has been given to access across Hornsby Park;

- Option 1, which requires demolition of the Women's Rest Centre building, has been confirmed as the most sensitive to the heritage significance of the Hornsby Park,*
- The significance of the Park is of greater heritage significance than the Women's Rest Centre building; and*
- The design of Option 1 responds to the types of vehicles which are required to attend the site."*

CONCLUSION

The additional information and amended application have been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979 and in particular, traffic and access, waste and heritage aspects as directed by the JRPP.

Consequently, the proposal requiring the removal of the Women's Rest Centre is still deemed to be the most appropriate from a traffic management and heritage point of view. In this regard, it is noted that the alternative options proposed which retain the Women's Rest Centre would unfortunately result in a significant adverse impact on the overall heritage value of the park, which is the statutory listed heritage item in Hornsby LEP 1994. As such, it is considered that the amended option now put forward by the applicant represents, on balance and particularly from a statutory point of view, the most acceptable form of development which best addresses the recommendations of the JRPP, which were not solely focused on the retention of the Women's Rest Centre, but the impact on the heritage significance of the park as a whole.

To this end, the additional heritage report prepared by Weir Phillips provides clear advice as to the overall benefits from a heritage point of view of the revised Option 1 as opposed to the other alternatives proposed and which may be acceptable from a traffic point of view, those being Options, 8 and 8b. In this regard, Option 1 conserves and enhances the heritage values of Hornsby Park by containing road access to the southern boundary and removing the existing road to the northern end of the Park. In

doing so, historical pathways, pergolas and the greatest area of contiguous parkland are retained. As part of this arrangement, the Women's Rest Centre would be recorded and interpreted.

To the contrary, Option 2 conserves and enhances the heritage values to the northern end of Hornsby Park. At the same time, this option allows the Women's Rest Centre to be retained, but in a position that would be isolated from the rest of the Park and which due to the additional area required for the relocated roadway and widened intersection, creates a major adverse impact on the historical layout of the southern end of the Park. Similarly, Options 8 and 8b have a major adverse impact predominantly on the northern end of the Park. On this basis, it is considered that these schemes if implemented would be inconsistent with the resolution of the JRPP, that being to adopt a proposal "*that is more sensitive to the heritage significance of the Park*".

From a review of the additional reports and as indicated above, it is apparent that none of the options allow the resolution of the JRPP to be satisfied in full. A number of less-engineered options allow for the retention of the Women's Rest Centre but at the same time, have significant adverse effects on the heritage values of the park. Conversely, a number of the options result in a more heavily-engineered solution and removal of the Women's Rest Centre, but result in a less adverse – and in fact a positive – impact on the heritage significance of the park.

As such, it is apparent that in terms of heritage, the impact on the park is considered to be of greater significance, given that this item - as opposed to the Women's Rest Centre - is the statutory listed heritage item under Hornsby LEP 1994. Therefore, this would seem to satisfy the resolution of the JRPP to the greatest degree. Whilst the removal of the Women's Rest Centre is unfortunate, the overall benefit of the new facility to all residents of Hornsby is considered to outweigh this fact. Nonetheless, the proponent will be required to put in place a number of measures to ensure that the significance of this building – particularly from a social point of view – will be recorded for future generations. This would include the retention of the bas relief sculpture in its current position to ensure a visible reminder of the facility and its significance.

Accordingly, the proposal as now presented – including removal of the Women's Rest Centre as originally proposed – is recommended for approval subject to amended conditions of consent¹.

Attachments:

1. *Evaluation of Access Options* – City Plan Services April 2012; inclusive of the following reports as appendices:
 - A. *Potential Access Arrangement Independent Review* – Brown March 2012
 - B. *The Impact of 13 Vehicular Access Options to the Proposed New Aquatic Centre on the Landscape Heritage Values of Hornsby Park* – Mayne-Wilson &

¹ All original conditions remain aside from condition 4 and 44 referring to the circular bas-relief sculpture.

Associates March 2012

C. *Heritage Review* – Weir Phillips March 2012

D. *Statement of Environmental Effects/Assessment of Landscape Impacts of Alternate Access Options* – Paul Scrivener Landscape Architect March 2012

E. *Review Access Options for Waste Collection Issues* – GHD March 2012

F. *Review Access Options for Work Health Safety Issues* – GHD March 2012

G. *Addendum To Tree Assessment* – Growing My Way March 2012

H. *Preliminary Budget Cost Estimates Report* – Brown Consulting April 2012

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 Ninnies, 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
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D01787373 – Statement of Environmental Effects	City Plan Services	October 2011
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 protected and remain in-situ in accordance with the recommendations of the Heritage Review report by Weir Phillips dated March 2012. Details are to be submitted to and approved by Council prior to the demolition of the building.

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 Ninnes, 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 unearthed 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.

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.

Evaluation of Access Options

Evaluation of Access Options – City Plan Services April 2012; inclusive of the following reports as appendices:

- A. *Potential Access Arrangement Independent Review – Brown Consulting, March 2012*
- B. *The Impact of 13 Vehicular Access Options to the Proposed New Aquatic Centre on the Landscape Heritage Values of Hornsby Park – Mayne-Wilson & Associates March 2012*
- C. *Heritage Review – Weir Phillips March 2012*
- D. *Statement of Environmental Effects/Assessment of Landscape Impacts of Alternate Access Options – Paul Scrivener Landscape Architect March 2012*
- E. *Review Access Options for Waste Collection Issues – GHD March 2012*
- F. *Review Access Options for Work Health Safety Issues – GHD March 2012*
- G. *Addendum To Tree Assessment – Growing My Way March 2012*
- H. *Preliminary Budget Cost Estimates Report – Brown Consulting April 2012*