

JOINT REGIONAL PLANNING PANEL
(Sydney West Region)

JRPP No.:	2013SYW002
Development Application No.:	DA/1281/2012
Description of Proposal:	The development application is for demolition of the existing Council owned community centre and residence at Nos. 10x & 12 Old Berowra Road, Hornsby, and the construction of a community centre, a 72 place child care centre, off-street car parking, a public playground and landscaping.
Property Description:	The site is Lot 2, DP 617493 and Lot 2, DP 367716 Nos.10X and 12 Old Berowra Road, Hornsby.
Applicant:	Mode Design.
Owner:	Hornsby Shire Council.
Statutory Provisions:	Hornsby Shire Local Environmental Plan 1994 Residential A (Low Density Residential) - No. 12 Old Berowra Road Open Space A (Public Open Space - Local) - Storey Park. Hornsby Local Environmental Plan 2013 RE1 Public Recreation R2 Low Density Residential
Estimated Value:	\$7.337 million.
Number of Submissions:	Two submissions were received during the original exhibition period. One submission has been received during the exhibition of the amended proposal.
Recommendation:	Approval.
Report Author:	Neil Kennan - Nexus Environmental Planning Pty Ltd.
Instructing Officer:	Caroline Maeshian, Senior Town Planner at Council.

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

1. The application proposes demolition of the existing Council owned community centre and residence at Nos.10x and 12 Old Berowra Road respectively, and the construction of a community centre, a 72 place child care centre, off-street car parking, a public playground and landscaping.
2. The site is owned by Council. 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 Neil Kennan of Nexus Environmental Planning Pty Ltd.
3. The proposal complies with the principal development standards of the *Hornsby Shire Local Environmental Plan 1994* and the *Hornsby Local Environmental Plan 2013*.
4. The proposal does not comply with the setback, parking, recreation area and landscaping controls of the *Hornsby Development Control Plan 2013*. In the circumstances of this application it is considered that a variation to those controls is warranted.
5. It is recommended that the application be approved.

RECOMMENDATION

THAT Development Application No.1281/2012 for the demolition of the existing Council owned community centre and residence at Nos.10x and 12 Old Berowra Road respectively, and the construction of a community centre, a 72 place child care centre, off-street car parking, a public playground and landscaping be approved subject to the conditions of consent detailed in Schedule 1 of this report.

HISTORY OF THE SITE

There is no development history associated with the site relevant to the assessment of this application.

THE SITE

The site has a primary street frontage to Old Berowra Road of approximately 130 metres and is raised 5 metres above the oval in Storey Park. Views from the site are to the Storey Park oval and beyond.

Pedestrian access is available through the site to the Storey Park oval.

Existing development on the site comprises:

- A Community Centre consisting of hall and supporting storage and toilets.
- Storage space for amateur radio.

- An antenna for amateur radio.
- Netball court.
- Parking.
- Play equipment.
- A Council owned residence at No.12 Old Berowra Road.

The site contains a number of exotic, native planted trees and locally indigenous specimens.

Adjoining development comprises low density residential development to the north and south with the Storey Park oval to the east. Development to the west, and on the opposite side of Old Berowra Road is low density residential.

The surrounding area is predominantly characterised by low density residential development.

Land on the opposite side of Old Berowra Road to the south of Clarinda Street and adjoining the southern boundary of the site was rezoned to permit townhouse development as part of Council's Housing Strategy in 2011.

THE PROPOSAL

The application proposes demolition of the existing Council owned community centre and residence at Nos.10x and 12 Old Berowra Road respectively, and the construction of a community centre, a 72 place child care centre, off-street car parking, a public playground and landscaping.

ASSESSMENT

1. STRATEGIC CONTEXT

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). The following issues have been identified for consideration.

1.1 Metropolitan Plan for Sydney 2031 and (Draft) North Subregional Strategy

The (Draft) Metropolitan Strategy for Sydney 2031 is a broad framework to provide for Sydney's growth to help plan for housing, employment, transport, infrastructure, the environment and open space. It outlines a vision for Sydney to 2031, the challenges faced and the directions to follow to address these challenges and achieve the vision.

The North Subregion comprises Hornsby, Kuring-gai, Manly, Warringah and Pittwater Local Government Areas. The Draft North Subregional Strategy acted as a framework for Council in its preparation of the *Hornsby Local Environmental Plan 2013*.

Within the North Subregion, the Draft Metropolitan Strategy proposes:

- Population growth of 81,000 from the current 2011 baseline of 529,000;
- Housing growth of 37,000 from the current 2011 baseline of 204,000, and
- Employment growth of 39,000 from the current 2011 baseline of 186,000.

The proposed development would be consistent with the draft Metropolitan Strategy for Sydney 2031 by providing community services to assist in meeting the demands of an increasing population.

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 other prescribed matters.

2.1 Hornsby Shire Local Environmental Plan 1994

The subject land is zoned part Residential A (Low Density) and part Open Space A (Public Open Space - Local) under the Hornsby Shire Local Environmental Plan 1994 (HSLEP). The objectives of the Residential A (Low Density) zone are:

- (a) *to provide for the housing needs of the population of the Hornsby area.*
- (b) *to promote a variety of housing types and other land uses compatible with a low density residential environment.*
- (c) *to provide for development that is within the environmental capacity of a low density residential environment.*

The objectives of the Open Space A (Public Open Space - 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.*
- (b) *to encourage a diversity of recreational settings and facilities.*
- (c) *to protect and preserve areas of urban bushland which are considered valuable in terms of their ecology.*

The proposed development is defined as a *child care centre* and a *community facility* under the HSLEP. Both land uses are permissible in the both the Residential A (Low Density) zone and the Open Space A (Public Open Space - Local) zone with Council's consent.

Clause 15 of the HSLEP relates to floor space ratio and stipulates that the maximum floor space ratio in the Residential A (Low Density) zone is 0.4:1. There is no floor space ratio development standard

applicable for the Open Space A (Open Space - Local) zone. The plans of the proposed development indicate that the part of the site which is within the Residential A (Low Density) zone is proposed to be developed as car parking. As such, there is no built form proposed on that part of the site which would generate Gross Floor Area. The proposed development is consistent with clause 15 of the HSLEP.

Clause 18 of the HSLEP sets out the heritage conservation provisions for the Hornsby Shire. The site is located to the south of two houses listed as heritage items of local significance in Schedule D of the HSLEP, those being No.27 and No.29 Old Berowra Road. The proposed development is considered to have no impact on the heritage significance of the two heritage items.

2.2 Hornsby Local Environmental Plan 2013

The *Hornsby Local Environmental Plan 2013* (HLEP) was made on 27 September 2013 and came into effect on 11 October 2013. The HLEP includes a savings provision stating that if a development application is made and not finally determined before the commencement of the HLEP, the application must be determined as if the Plan had been exhibited but not commenced. The relevant provisions of the HLEP are addressed below.

2.2.1 Zoning

The site is zoned part R2 Low Density Residential and part RE1 Public Recreation pursuant to the Land Use Table of the HLEP. The proposed development is defined as a *child care centre* and *community facility*. Both land uses are permissible in both the R2 Low Density Residential and the RE1 Public Recreation zone with Council's consent.

2.2.2 Height of Buildings

Clause 4.3 of the HLEP provides that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 8.5 metres on that part of the site which is within the R2 Low Density Residential zone. There is no height restriction applying to the RE1 Public Recreation zoned section of the site. The proposal complies with this provision in that the only development proposed on that part of the site zoned R2 Low Density Residential is the at grade car parking area.

2.2.3 Floor Space Ratio

Clause 4.4 of the HLEP provides that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. There are no floor space ratio controls which apply to the site.

2.3 State Environmental Planning Policy No.55 - Remediation of Land

The application has been assessed against the requirements of State Environmental Planning Policy No.55 - Remediation of Land. This Policy provides State-wide planning controls to ensure that land use is not affected by contamination.

The applicant has submitted a Stage 2 Environmental Site Assessment. The conclusions of the Environmental Site Assessment are:

1. *The site is in an environmentally sound environmental condition, and involves no significant risks, hazards or exposures;*
2. *The subsurface at the site is free from any significant contamination;*
3. *In the absence of any specific indications that might be discovered to the contrary, soils at the site can be handled and disposed of during any future development activities on the basis that they are clean and uncontaminated;*
4. *The asbestos based construction materials present in the existing building at the site will need to be handled and disposed of in accordance with relevant and established procedures and protocols during any future demolition activities;*
5. *That an appropriate inspection and validation process should be undertaken following any such demolition activities, to establish that no asbestos residues remain at the site; and*
6. *The site is considered to be environmentally suitable for the development purpose proposed, that is for standard residential, including child care centres and community centres.*

The Environmental Protection Team raised no objection to the proposed development.

2.4 Hornsby Development Control Plan 2013

The *Hornsby Development Control Plan 2013 (HDCP)* came into force on 11 October 2013 after the lodgement of the subject application. As such, the *HDCP* is the only development control plan which applies in the assessment of the subject application.

The proposed development, including both the child care centre and the community facility, has been assessed having regard to the relevant performance criteria and prescriptive measures within the *HDCP*. The following table sets out the compliance of both the child care centre and the community facility with the relevant prescriptive measures of the *HDCP*.

Hornsby Development Control Plan 2013			
Control	Proposal	Requirement	Compliance
Site requirements	The site is not a battle-axe allotment. Old Berowra Road is not a cul-de-sac.	Community uses should not be located on battle-axe allotments or in a cul-de-sac.	Yes
Scale	72 children	90 children where a minimum of 25% of the places are provided for 0-2 year olds.	Yes

Setbacks	Generally 6m to frontage	6m to primary frontage	Yes
	0m to southern boundary	3m to side and rear	No
	Min. 2m from front boundary for car parking	2m from front boundary	Yes
Parking	Separate vehicle and pedestrian access provided.	Separate vehicle and pedestrian entry.	Yes
	30 spaces for community facility.	1 space per 5 seats for community facility (61 spaces).	No
	7 spaces for child care centre.	1 space per 4 children (18 spaces).	No
Recreation/Open Space	> 4.5m ² per child indoor < 15m ² per child outdoor	4.5m ² indoor space per child 15m ² outdoor space per child	No No
	Covered outdoor play area provided.	For new centres, a covered outdoor play area should be provided for use in all weather conditions.	Yes
	Storage facilities for outdoor play equipment provided.	Storage facilities for outdoor play equipment should be provided.	Yes
	Shade structures provided.	The outdoor play space should incorporate shade structures.	Yes
Landscaping	Predominant landscaping along common boundary with residential development.	Where a children's outdoor play space adjoins a residential property, screen planting along the common boundary with the residence should be provided.	No
Acoustics	Acoustic mitigation measures on boundaries.	Development should be sited and designed so that noise is kept to a minimum and does not create offensive noise as defined by the Protection of the Environment Operations Act 1997.	Yes

Solar access	>50% of adjoining principal private open space receives 3 hours of unobstructed solar access.	On 2 June, 50% of the principal private open space on any adjoining residential property should receive 3 hours of unobstructed solar access between 9am and 3pm.	Yes
Security	Safe, clear and direct entry is provided and windows overlook communal areas.	Safe, clear and direct entry to the site. Windows design to overlook communal areas.	Yes

As detailed above, the proposed development does not comply with a number of prescriptive requirements within the HDCP. The matters of non-compliance are detailed below.

2.4.1 Setbacks

The proposed development has a zero setback to part of the southern boundary of the site, that setback being to the adjoining residential development at No.10 Old Berowra Road. The required setback is 3 metres. The Desired Outcomes of the setback control are:

- Setbacks that are compatible with adjacent development and compliment the streetscape.
- Setbacks that allow for the retention of significant landscape features and respect site constraints.

The part of the proposed development with a zero side setback is the outdoor play area for children in the 3-5 year age category. The non-compliance also includes storage areas for play equipment and an acoustic fence on the boundary of the site. There is also a very small section of the indoor area for the children in the 3-5 year age category which has a setback of approximately 2 metres to the adjoining development.

With regard to the impact of the non-compliance on the streetscape, the non-compliance is located central to the southern boundary with a significant landscaped playground between that part of the development and the street frontage.

The acoustic assessment submitted with the development application indicates that, with an acoustic fence on the boundary of the site with No.10 Old Berowra Road, there would be no adverse acoustic impact to the adjoining residential development. The acoustic fence has been designed in consultation with the landowner of No.10 Old Berowra Road. The proposed acoustic fence is 2.2 metres in height with a hood structure projecting into the subject site.

The *HDCP* requires a 2 metre landscape strip to be provided along the southern site boundary. A landscape strip of minimum width of 2 metres has been provided for the majority of the southern boundary of the site. To provide a 2 metre wide landscape strip at the southern site boundary where the acoustic fence is proposed would result in a landscape strip between the existing 1.8 metre boundary fence and the 2.2 metre acoustic fence. It is considered that this landscape strip would serve little purpose and would most likely not survive to the point where it would provide any visual relief to the proposed development. As such, the preferred option is to ensure acoustic privacy to the adjoining residential development which

can best be achieved by way of a zero setback in combination with the proposed acoustic fence for part of the southern site boundary.

2.4.2 Car Parking

Quantum of car parking provided

Seven (7) car parking spaces are provided for the use of the child care centre, with an additional six (6) spaces being available at the street frontage in close proximity to the child care centre. The *HDCCP* requires 18 car parking spaces to be provided.

Documentation provided with the development application discusses the rationale behind the provision of car parking and states:

The location and quantum of car parking was a significant design consideration for the development as a whole and a number of alternatives were considered as part of the preliminary design of the proposal. In addition, the community was consulted on these alternatives.

While the proposed scenario provides for a split car parking arrangement, the other two alternatives included car parking located centrally to the site. However, these two alternate scenarios were discounted for the following reasons:

- *Both scenarios provided less off-street car parking (28 and 32 off-street car parking spaces) than the proposed development (37 off-street car parking spaces);*
- *One scenario required construction of a round-a-bout at the intersection of Old Berowra Road and Clarinda Street which is not warranted on traffic grounds, would reduce the site area available for the development, would reduce on-street car parking and would significantly increase the cost of the development;*
- *Both scenarios introduced a large car parking element between the proposed child care centre and community centre which was not desirable from the perspective of integrating the community services and play space; and*
- *Both scenarios stifled the intention to provide a green link on the Clarinda Street axis with views to the oval beyond.*

Accordingly, the proposed car parking arrangement was preferred as it provided the greatest number of off-street car parking spaces (which residents deemed desirable), enabled an integrated design for the entire development and satisfied the design preference for a central green link between the street and the oval beyond.

.... the proposed off-street drop-off/pick-up area provides for 7 car parking spaces to be signposted as short term (P10) drop-off/pick-up only. In addition, 6 on-street, kerbside car parking spaces are to be provided on the eastern side of Old Berowra Road in close proximity and this is considered to be an acceptable level of drop-off/pick up car parking proximate to the proposed centre.

Council's Traffic Engineer has assessed the proposed car parking and concludes:

The pick up / set down area has been relocated to an off street carpark serviced by a single driveway in compliance with the Australian Standard AS2890.1. To address the pedestrian / vehicle conflict within the carpark a walkway has been provided around the perimeter of the carpark. This treatment has been accepted by the Traffic Branch for similar developments approved in Hornsby Shire and is considered appropriate for this site given the site constraints.

A pedestrian refuge facility has been proposed in Old Berowra Road, south of Clarinda Street. The location of the refuge was developed in consultation with Traffic and Road Safety Branch. This device will assist in reducing through speeds in vicinity of the child care centre access point and provide a staged crossing for staff / visitors to the community facility should parking demand exceed the on-site provision. A detailed design for the pedestrian refuge will need to be developed by the applicant and presented to the Hornsby Local Traffic Committee for approval before construction.

A number of on-street parking spaces have been indicated on the plans (numbered and line marked). The on-street parking spaces are not be [sic] line marked on the pavement in any way.

With regard to the car parking for the proposed community centre, the Council's Traffic Engineer concludes:

For community halls, Council's Car Parking DCP has a parking requirement of 1 space per 5 seats minimum, subject to a parking study. Using Council's DCP, 38 parking spaces are required for the hall, with an additional 23 parking spaces required for the meeting rooms. This gives a total parking requirement of 61 parking spaces assuming the hall and meeting rooms are in use simultaneously. 30 parking spaces are proposed for the community centre component of the development, giving a short fall of 31 parking spaces if the hall and meeting rooms are in use simultaneously.

The provision of 30 parking spaces for the community centre is considered adequate for the majority of events, though capacity events at the hall will result in on-street parking.

It is considered that the car parking provided is satisfactory.

Management of car parking

Although not raised as an issue by the Council's Traffic Engineer, there has been concern raised by residents with regard to the management of car parking on the site, particularly with regard to the large car park which is proposed to service the community centre. In this regard, the applicant had provided the following documentation:

One of the issues raised by local residents during the consultation sessions regarding the preliminary design of the proposed development, was anti-social behaviour occurring in the existing car park on the site at night.

Accordingly, the proposal includes an automated access barrier along the western end of the main community centre car park to prevent unauthorised access at night. Sufficient space will be

provided to the west of this barrier for 2-3 cars to queue if necessary.

The proposed hours of operation for the community centre are 7:00am to 10:00pm. This closing time accords with the commencement of the "Night" period defined in the NSW EPA Industrial Noise Policy.

It is proposed that the automated barrier would be disabled prior to 7:00am and after 10:15pm. Hirers of the community facility during the evenings would be advised that the automated barrier will be disabled at 10:15pm, after which time a private security firm would have to be contacted to obtain egress from the site and the hirer would be charged for this attendance. Signage to this effect can also be provided at the car park entry and all hirers of the facility can be informed of the need to leave the site quickly and quietly at the completion of their hire period.

Pedestrian access to the main car park will be provided at all times via a pedestrian gate. Accordingly, the proposed management measures are considered acceptable and if necessary, these can be monitored and adjusted by Council should the need arise.

The proposed management of the car parking area is considered to be satisfactory subject to monitoring of the performance of the management plan. A condition of consent is recommended to ensure that the management of the car park is undertaken as detailed above.

2.4.3 Recreation Space

The proposed child care centre does not provide 15m² of outdoor open space per child. In addressing this non-compliance, the applicant states:

The proposed quantum of outdoor play space complies with the current requirement for 7m² per child under the Regulation, which is the lower requirement under the Community Uses DCP.

We have been advised by Council's Children's Services Manager (Community Services Branch) that the higher standard of provision of 15m² per child was on an older State Government guideline from the 1990s that was referenced as a note in the previous 2004 version of the Regulation. The 2004 version of the Regulation was rescinded in 2010 and the guideline is no longer referenced in the current Regulation (2011) and accordingly, Council's Children's Services do not impose standards higher than the prevailing legislation.

Furthermore, Council has previously approved child care facilities in open space zones at Somerville Park (2004) and Greenway Park (2011) without imposing the higher standard of provision.

In our opinion, compliance with the current Regulation should prevail and the child care centre is well located adjacent to other existing open space and community facilities that are proposed as part of this DA. Accordingly, the proposed standard of provision is considered acceptable.

Council's Children's Service Manager has provided advice to the applicant as stated above. The advice states, among other things:

The outdoor space requirements referred to in Council's DCP refers to best practice only, with the

recommendation for a 75 place centre being 15 sq mtr of outdoor play space for each child in care.

The Walsh Guideline (1996) and Council's DCP (1994) would therefore result in an area of over 1000 sq mtrs required for the Storey Park centre of outdoor play space. The impact of such a large area for staff to supervise children would result in a further increase in staffing required to adequately supervise the safety of children.

*The Licensing Standard in 1996 under the **Children's Services Regulation 2004** issued a minimum standard of **7sq mtrs per child of outdoor play space per child and 3.25 sq mtrs of indoor space per child**. This requirement has not changed under the new **Education and Care Services National Regulations 2011** and does not reference the Best Practise Guideline 1996 by P Walsh. Under the new Regulations 2011 a greater emphasis is placed on the "natural environment" and "adequate shade areas" to protect children from the sun. The shift under the new Regulations is to natural, natural materials, learning, sustainability and safe environments.*

Children (Education and Care Services National Law Application) Act 2010 and Education and Care Services National Regulation states;

"the education and care service premises has at least 7 sq mtrs of unencumbered outdoor space"

It is considered that the above is justification for variation to the recreation space control of the *HDCP*.

2.4.4 Landscaping

As discussed in the above section of this report dealing with setbacks, there is a non-compliance of the proposed development with the setback to part of the southern boundary and, hence, there is a corresponding non-compliance with the requirement that the setback be landscaped.

It is considered that the benefit to be achieved by way of the acoustic fence along part of the southern boundary of the site outweighs the disadvantage of not having that part of the site landscaped. On balance, the site would contain significant landscaping and the streetscape would be such that compliance with the landscape setback along the entire southern boundary would not add to the presentation of the development in the streetscape. The reduced setback along the southern boundary of the site has been established in consultation with the landowner and it is considered that a variation to the landscape controls of the *HDCP* is warranted.

The landscape strip along the northern boundary of the site is such that it would be located between the acoustic fence and the northern boundary of the site. The design of that landscape strip has been established in consultation with the adjoining landowner with the conclusion that the proposed landscaping would provide a softer visual appearance to the adjoining landowner than that which would have been achieved if the 2 metre high acoustic fence were to be located on that boundary. The design allows for maintenance of the landscape strip by way of an access gate at the frontage of the site.

3. ENVIRONMENTAL IMPACTS

3.1 Natural Environment

The site comprises a number of exotic, native planted and locally indigenous trees.

The proposed development would require the removal of a number of trees. The Parks and Recreation Branch raised no objection to the proposed development subject to the retention of trees 13 and 14. A condition of consent has been recommended to retain trees 13 and 14.

3.2 Built Environment

The proposal would require the removal of the existing Council community centre on the site and the existing Council owned dwelling house at No.12 Old Berowra Road and replace those structures with a child care centre and community facility. No other modifications to the built environment would result from the proposed development.

3.3 Social Impacts

The social impact to the community would be that a purpose built child care centre would be established in the area.

The rationale behind the proposed child care centre is that Council committed to progress the Storey Park project based on asset rationalisation and to reduce the number of child care places provided by Council.

As such, in February 2010, the then Council *Community, Cultural and Recreation Facility Task Force* committed to the scoping of an architectural tender based on the funding model of s.94 plus the sale of two existing child care centres located in Hornsby and Asquith.

Council committed to reduce the number of child care places Shire wide from 240 places in 2010 to 192 places at the completion of the Storey Park project in 2014/2015. The proposed plan would see 3 large child care centres located in each Ward of the Shire with an overall reduction in child care places by 48 places.

Additionally, the proposed development would enable Council to:

- Rationalise assets and divest Council of ageing facilities which have become an ongoing financial burden to Council.
- Address the changing child care market, demands and changing demography of the Shire.
- Respond to Council's Housing Strategy in that additional community facilities and child care places would be provided in response to the likely increase in population in the locality.
- Reduce the number of child care places offered to the community by Council in the Hornsby CBD and surrounding suburbs.

The new centre would:

- Respond to and meet the requirements of the new Education and Care National Regulations and National Quality Standards.
- Provide more sustainable and environmentally friendly buildings.
- Create more appropriate child friendly environments for the care of very young children.

The proposed development includes the erection of a community facility which would replace the existing community centre on the site. The contemporary design of the proposed community facility is such that its facilities would provide for a significant increase in amenity to the local community compared to the facility which currently exists on the site. The social impact to the community which would result from the proposed community facility is significant and positive.

3.4 Economic Impacts

As stated above, the economic impact would be positive in that the proposed facility would rationalise existing facilities in the Shire and allow the Council to remove obsolete buildings from its portfolio.

4. SITE SUITABILITY

The then Council *Community, Cultural and Recreation Facility Task Force* recognised the site as an ideal location for the proposed development. The site displays no adverse environmental circumstances which might lead to a conclusion that the site is not suitable for the proposed development.

On balance, the site is well suited for the proposed development.

5. PUBLIC PARTICIPATION



The original design submitted with the development application was placed on public exhibition with two submissions being received, one in favour of the facility and the other objecting to the proposed development on the basis that there were too many child care facilities in the Shire.

Amended design plans were submitted by the applicant and placed on public exhibition. One submission was received from a resident in Lodge Street indicating that Council should take appropriate action to ensure that noise from the activities in the Community Centre do not travel across Storey Park and impact on the amenity of the residents in Lodge Street. The operation of the Community Centre would be subject to the acoustic impact requirements of the Protection of the Environment Operations Act and, as such, complaints relating to noise from the Community Centre would be dealt with by the Council as those complaints were made.

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	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
1 SUBMISSION RECEIVED OUT OF MAP RANGE			

6. THE PUBLIC INTEREST

The public interest would be served by the removal of the existing outdated hall on the site and the establishment of a purpose built child care centre and community facility which has been identified by the Council as being required to meet the requirements of the residents of Hornsby.

7. CONCLUSION

The proposal is for the demolition of the existing Council owned community centre and residence at Nos.10x and 12 Old Berowra Road respectively, and the construction of a community centre, a 72 place child care centre, off-street car parking, a public playground and landscaping.

The proposal does not comply with the setback, parking, recreation area and landscaping controls of the *Hornsby Development Control Plan 2013*. The proposal has been designed in consultation with the adjoining landowners to ensure that the non-compliance with the setback and landscaping controls does

not have any adverse impact on the amenity of those residents. Notwithstanding the non-compliance with the quantum of car parking, the Council Traffic Engineer has concluded that the proposed car parking facilities are satisfactory. In the circumstances of this application, it is considered that a variation to those controls is warranted.

On balance, the benefits of the proposed development to the community in terms of both its positive social and economic impacts are considered to outweigh the non-compliance of the development with the relevant controls contained in the *Hornsby Development Control Plan 2013*.

It is recommended that the proposed development be approved subject to conditions included in Schedule 1 of this report.

ATTACHMENTS

1. Locality Plan
2. Site Plan and Floor Plan
3. Roof Plan
4. Demolition Plan
5. Elevations
6. Sections – Community
7. Sections – Child Care
8. Image Sheet - Changes to Community Building
9. Image Sheets 1-4
10. Shadow Diagrams
11. Landscape Plans
12. Acoustic Fence Details

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 and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Architectural Plans prepared by Mode Design

Plan No.	Plan Title	Revision	Dated
DD-001	Site Plan and Floor Plan	17	11/11/2013
DD-002	Roof Plan	5	11/11/2013
DD-003	Demolition Plan	2	8/11/2013
DD-005	Elevations	6	13/11/2013
DD-006	Sections – Community	6	13/11/2013
DD-007	Sections – Child Care	5	13/11/2013
DD-014	Image Sheet - Changes to Community Building	1	30/08/2013

Landscape Plans prepared by Mode Design

Plan No.	Plan Title	Revision	Dated
DD01 of 7	Landscape Concept Plan	E	29/10/2012
DD02 of 7	Detail Plan A and B Child Care Centre	E	29/10/2012
DD03 of 7	Detail Plan C Main Courtyard Area	E	29/10/2012
DD04 of 7	Fencing Images Proposed Fencing Character	E	29/10/2012
DD05 of 7	Landscape Planting Plan	E	29/10/2012

DD06 of 7	Landscape Character	E	29/10/2012
DD07 of 7	Landscape Character	E	29/10/2012
DD01 of 1	Acoustic Boundary Fence Concept Plan: Impact to 14 Berowra Road	-	9/08/2012

Stormwater Plans and Sediment Erosion Control Plans prepared by abc Consultants

Plan No.	Plan Title	Revision	Dated
C00.01	General Notes	P1	14/09/2012
C01.01	Sediment and Erosion Control Plan	P1	14/09/2012
C02.01	Stormwater Drainage Plan	P1	14/09/2012
C02.02	Stormwater Drainage Plan Details	P1	14/09/2012

Hydraulic Services Plans prepared by JHA Consulting Engineers

Plan No.	Plan Title	Revision	Dated
HSK.-01	Hydraulic Services Cover Sheet, Legend of Symbols, General Notes and Drawing List	A	19/09/2012
HSK-02	Hydraulic Services Site Plan 1 of 2	A	19/09/2012
HSK-03	Hydraulic Services Site Plan 2 of 2	A	19/09/2012
HSK-04	Hydraulic Services Roof Plan 1 of 2	A	19/09/2012
HSK-05	Hydraulic Services Roof Plan 2 of 2	A	19/09/2012
HSK-06	Hydraulic Services Detail Sheet 1	P1	13/09/2012

Supporting Documents

Document No. and Title.	Prepared by	Dated
Acoustic Assessment Report (Reference No. 111044_Rep_Final)	Benbow Environmental	2 November 2012
Stage 2 Environmental Site Assessment (Reference No. CA/13/83-1001 – 080313 doc)	N.G. Child & Associates	8 March 2013
Preliminary Tree Assessment Report	Earthscape Horticultural Services	February 2011
A Traffic and Parking	TEF Consulting	2 November 2012

Assessment		
Access Report	Accessibility Solutions Pty Ltd	31 October 2012
Geotechnical Investigations (Reference No. 24607Vrpt Hornsby)	Jeffery and Katauskas Pty Ltd	14 February 2011
Asbestos Containing Construction Materials Inspection	P. Clifton & Associates Pty Ltd	-
Waste Management Plan	Mode Design	20/11/2012
Electromagnetic Field Assessment (Reference No. Mode Design – Storey Park ESA Version 3 - 080313.doc	N.G. Child & Associates	8 March 2013
DD-010 - Image Sheet 1 Issue 2	Mode Design	13/11/2013
DD-011 Image Sheet 2 Issue 2	Mode Design	13/11/2013
DD-012 - Image Sheet 3 Issue 2	Mode Design	13/11/2013
DD-013 - Image sheet 4 Issue 2	Mode Design	13/11/2013
DD-020 - Sun Study Issue 3	Mode Design	13/11/2013
DD-021 - Sun Study Issue 2	Mode Design	13/11/2013
DD-022 - Sun Study Issue 2	Mode Design	13/11/2013

2. Removal of Existing Trees

This development consent only permits the removal of trees numbered 1-3, 6-20 and 22-25 as identified on Site Tree Location Plan. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

3. Amendment of Plans

The approved plans are to be amended as follows:

- a) The Demolition Plan (reference Drawing No. DD-003 Issue 2) is to be amended to retain Trees T13 and T14 in accordance with the recommendations of the Preliminary Tree Assessment Report prepared by Earthscape Horticultural Services dated February 2011.
- b) The following approved landscape plans are required to be amended in accordance with the approved Site Plan and Floor Plan dated 11/11/2013 (reference Drawing No. DD-001 Revision 17).

Plan No.	Plan Title	Revision	Dated
DD01 of 7	Landscape Concept Plan	E	29/10/2012
DD02 of 7	Detail Plan A and B Child Care Centre	E	29/10/2012
DD03 of 7	Detail Plan C Main Courtyard Area	E	29/10/2012
DD04 of 7	Fencing Images Proposed Fencing Character	E	29/10/2012
DD05 of 7	Landscape Planting Plan	E	29/10/2012
DD06 of 7	Landscape Character	E	29/10/2012
DD07 of 7	Landscape Character	E	29/10/2012
DD01 of 1	Acoustic Boundary Fence Concept Plan: Impact to 14 Berowra Road	-	9/08/2012

- c) The following approved stormwater drainage and sediment and erosion control plans are required to be amended in accordance with the approved Site Plan and Floor Plan dated 11/11/2013 (reference Drawing No. DD-001 Revision 17).

Plan No.	Plan Title	Revision	Dated
C01.01	Sediment and Erosion Control Plan	P1	14/09/2012
C02.01	Stormwater Drainage Plan	P1	14/09/2012

- d) The following approved hydraulics services plans are required to be amended in accordance with the approved Site Plan and Floor Plan dated 11/11/2013 (reference Drawing No. DD-001 Revision 17) and the approved Roof Plan dated 11/11/2013 (reference Drawing No. DD-002 Revision 5).

Plan No.	Plan Title	Revision	Dated
HSK.-01	Hydraulic Services Cover Sheet, Legend of Symbols, General Notes and Drawing List	A	19/09/2012
HSK-02	Hydraulic Services Site Plan 1 of 2	A	19/09/2012
HSK-03	Hydraulic Services Site Plan 2 of 2	A	19/09/2012
HSK-04	Hydraulic Services Roof Plan 1 of 2	A	19/09/2012
HSK-05	Hydraulic Services Roof Plan 2 of 2	A	19/09/2012

HSK-06	Hydraulic Services Detail Sheet 1	P1	13/09/2012
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4. Construction Certificate

A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

5. Building Code of Australia

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

6. Water/Electricity Utility Services

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

- a) *Ausgrid (formerly 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.

7. Dilapidation Report

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of adjoining properties Nos. 10, 14 and 14A Old Berowra Road, Hornsby.

8. Car Parking and Deliveries

All car parking must be constructed and 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) All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.
- b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- d) All vehicular entry on to the site and egress from the site shall be made in a forward direction.

9. Car parking for people with disabilities

All parking spaces for people with disabilities must be constructed and operated in accordance with *Australian Standard AS/NZS 2890.6:2009 – Off-street parking for people with disabilities*

10. Pedestrian Refuge Islands

A preliminary design for pedestrian refuge islands in Old Berowra Road is to be provided to Council. The preliminary design will then be used for public consultation purposes, and pursuant to appropriate amendments will be considered by the Hornsby Local Traffic Committee (HLTC).

11. Waste Management Plan

Prior to issue of the Construction Certificate, a detailed Waste Management Plan Section One – Demolition Stage, Section Two – Design Stage, Section Three – Construction Stage and Section Four – Use and On-going Management as applicable, covering the scope of this project is required to be submitted to Council in accordance with the Waste Minimisation and Management Development Control Plan.

12. Stormwater Drainage

The stormwater drainage system for the development must be designed and constructed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and the following requirements:-

- a) All roof drainage lines and paved areas are to be connected to either the Old Berowra Road or Storey Park Council-controlled drainage systems.

13. On Site Stormwater Detention

On-site stormwater detention systems must be designed by a chartered civil engineer and constructed in accordance with the following requirements:-

- a) Provide a system draining to the Council- controlled drainage in Old Berowra Road with a capacity of not less than 15 cubic metres, and a maximum discharge (when full) of 55 litres per second.
- b) In addition, provide a system draining to the Storey Park internal drainage system with a capacity of not less than 35 cubic metres, and a maximum discharge (when full) of 90 litres per second.
- c) Have a surcharge/inspection grate located directly above the outlets.
- d) Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.

- e) Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed.
- f) Where detention is proposed to be above ground in a parking module the maximum depth shall be limited to 0.15m.
- g) Systems must not be constructed in locations that would impact upon the visual or recreational amenity of facility users.

14. Internal Driveway/Vehicular Areas

The driveway and parking areas, including differently abled car spaces, on site must be designed in accordance with *Australian Standards 2890, 3727* and the following requirements:-

- a) Design levels at the front boundary be obtained from Council.
- b) The driveway be a rigid or sealed flexible pavement to the extent of the proposed parking, turning and manoeuvring areas.
- c) The pavement shall have a kerb to one side (at least) and a crossfall with gradient of 2 percent, with kerb inlet pits provided on grade and at low points.
- d) In order to improve the appearance of carparks, planting of landscaping strips at least 0.5 metres wide adjacent edges of parking modules.
- e) Conduit for utility services including electricity, water, gas and telephone be provided and shown on construction plans.

15. Acoustic Report Compliance

The proposed development must be designed and constructed in accordance with the recommendations of the Acoustic Assessment Report (Reference No. 111044_Rep_Final) prepared by Benbow Environmental, dated 2 November 2012.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

16. 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.

17. 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.

18. 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*.

19. 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.

20. Tree Protection Barriers

Tree protection fencing must be erected around trees numbered 4, 5 and 21 to be retained at a 4 metre setback. The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh'.

REQUIREMENTS DURING CONSTRUCTION

21. 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.

22. 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 must 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 Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005* and;
- 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.

23. Asbestos or Soil Contamination

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during demolition, the applicant must immediately notify the principal certifying authority and Council.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. Excavated Material

All excavated material removed from the site must be classified in accordance with the Department of Environment, Climate Change and Water NSW *Waste Classification Guidelines* prior to disposal to an approved waste management facility and reported to the principal certifying authority.

30. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Old Berowra Road during works and until the site is established.

31. 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 and;
- b) The finished floor level(s) are in accordance with the approved plans.

32. Waste Management

Waste management during the demolition and construction phase of the development must be undertaken in accordance with the approved Waste Management Plan. Additionally 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:

- a) The identity of the person removing the waste.
- b) *The waste carrier vehicle registration.*
- c) Date and time of waste collection.
- d) A description of the waste (type of waste and estimated quantity).
- e) Details of the site to which the waste is to be taken.
- f) The corresponding tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).
- g) 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.

33. Vehicular Crossing

A separate application under the *Local Government Act, 1993* and the *Roads Act, 1993* must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design, 2005* and the following requirements:

- a) Any redundant crossings to be replaced with integral kerb and gutter.
- b) The footway area to be restored by turfing.

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors, (or be the subject of a Construction Certificate Application to Council as the Roads Authority). You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.

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.

34. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from *Sydney Water*.

35. Pedestrian Refuge

A pedestrian refuge is to be constructed in Old Berowra Road subject to detailed design and approval process by the RMS and Council.

36. Certification

Documentation prepared by a registered architect is to be submitted to Council to certify the proposed development in accordance with the requirements of the *Children (Education and Care Services National Law Application) Act 2010* and the *Education and Care Services National Regulations 2011*.

37. Trees in paving

Drainage and adequate soil to enable successful growth and health is to be provided to trees located within paved areas.

38. Food Premises

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 construction.*

39. Discharging Trade Wastewater

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 20 92.

40. Kitchen Exhaust Installation

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*.

41. Grease Trap & Dry Basket Arrestor Installation

An application must be submitted to Sydney Water for the installation of a grease trap and dry basket arrestor (floor and sink) in accordance with the '*Guidelines for the On-Site Pre-Treatment of Trade Wastewater Discharges – Sydney Water (May 2004)*'.

42. Waste Management Details

The following waste management requirements must be complied with:

- a) The bin storage rooms must include water or a hose for cleaning, graded floors with drainage to sewer, a robust door, sealed and impervious surface, adequate lighting and ventilation.
- b) A report must be prepared by an appropriately qualified person, certifying the following:
 - i) A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.

Note: Explanations of any deviations to the approved Waste Management Plan is required to be included in this report
 - ii) That at least 60% of the waste generated during the demolition and construction phase of the development was reused or recycled.

Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.
 - iii) All waste was taken to site(s) that were lawfully permitted to accept that waste.
- c) Each kitchen must be provided with an indoor waste/recycling cupboard for the interim storage of a minimum one day's waste generation with separate containers for general waste and recyclable materials.
- d) The bin carting route(s) must be devoid of any steps.

Note: Ramps between different levels are acceptable.

43. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.

44. Creation of Easements

The following matter(s) must be nominated on the plan of subdivision under s88B of the *Conveyancing Act 1919*:-

- a) The creation of a "Positive Covenant" over the lot describing the two proposed on-site detention systems after construction, in accordance with Council's standard terms, describing individual volumes and permitted site discharges for each system.
- b) The creation of a "Restriction" over the two proposed on-site detention systems after construction, in accordance with Council's standard terms. The locations of the detention

volumes shall be clearly marked and identified on a sketch prepared by a Registered Surveyor accompanying the Restriction documentation.

Note: Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

45. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road assets, internal pavements, kerb & gutter, drainage and on-site detention systems, driveways and services and service conduits.

46. Preservation Of Survey Marks

A certificate by a registered Surveyor shall be submitted to the Principal Certifying Authority, certifying that there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development or otherwise the re-establishment of damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No. 11 – *"Preservation of Survey Infrastructure"*.

47. External Lighting

All external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*. Certification of compliance with the Standard must be obtained from a suitably qualified person.

48. Retaining Walls

All required retaining walls must be constructed as part of the development.

OPERATIONAL CONDITIONS

49. Use of Premises

The development approved under this consent shall be used for 'child care centre' and 'community facility' and not for any other purpose without Council's separate written consent.

50. Number of Children

- a) The centre shall accommodate a maximum of 72 children.
- b) A maximum of 48 children at the centre shall be at, or above, 2 years of age as at 1 January of each calendar year.

51. Hours of Operation

- a) The hours of operation of the child care centre are restricted to those times listed below:

Monday to Friday	7 am to 6 pm
Saturday, Sunday & Public Holidays	No work

- b) The hours of operation of the community centre are restricted to those times listed below:

Monday to Sunday & Public Holidays 7 am to 10 pm.

52. Carpark Availability for Sports Users

The automated access barrier to the western carpark to carpark area is to be managed by the Community Facility Manager. The gate is to be disabled prior to 7 am and disabled after 10:15 pm. Notwithstanding, the gate is to be open to ensure availability to the western carpark at all times that Storey Park oval is being used by sports hirers.

53. Playground

The central playground is to remain open and available to this local community at all times. All play equipment is to be designed and installed in accordance with *Australian Standards AS 4685 2004 Parts 1-6 General Safety* requirements and test methods and *AS 4422 1996 Playground Surfacing*.

54. 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.

55. Noise

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 background noise levels by more than 5dB(A) appropriate measures must be employed to rectify excessive noise.

56. Noise

All noise generated by the proposed development must be attenuated to prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5dB(A).

57. Waste Storage area and waste management

The waste management on site must be in accordance with the following requirements:

- a) Site security measures be implemented to prevent access to the waste storage rooms by unauthorised persons.
- b) All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.

58. Fire Safety Statement - Annual

On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.

- 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.

Environmental Planning and Assessment Act, 1979 Requirements

The Environmental Planning and Assessment Act, 1979 requires:

- The issue of a construction certificate prior to the commencement of any works. Enquiries can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

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.

Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, it is an offence to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the approved building envelope without the prior written consent from Council.

Note: A tree is defined as a single or multi-trunked wood perennial plant having a height of not less than three (3) metres, and which develops many branches, usually from a distance of not less than one (1) metre from the ground, but excluding any plant which, in its particular location, is a noxious plant declared as such pursuant to the Noxious Weeds Act 1993. This definition of 'tree' includes any and all types of Palm trees.

All distances are determined under Australian Standard AS4970-2009 "Protection of Trees on Development Sites".

Fines may be imposed for non-compliance with Council's *Tree Preservation Order*.

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the applicant.

Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Applicants must rely on their own enquiries as to whether or not the building breaches any such covenant.

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.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Telecommunications Act 1997 (Commonwealth)

If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

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.

Council Notification – Food Premises

Prior to the commencement of the business, the operator is requested to contact Council's Environmental Health Team to arrange an inspection for compliance against the relevant legislation and guidelines outlined in this approval.

Note: Council's Environmental Health Officer can be contacted on 02 9847 6745.