



Mode Design
Shop 1/35 Buckingham Street
SURREY HILLS NSW 2010

NOTICE OF DETERMINATION

APPROVAL

Development Application No. DA/1281/2012

This development consent is issued pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979. This consent is subject to the conditions specified in this notice and will lapse unless the development is physically commenced within five years of the date of this notice.

Section 82A of the Act allows an applicant who is dissatisfied with the determination of an application, a right to request Council review its determination subject to Council being in a position to finalise the review within 6 months from the date of this notice.

Section 97 of the Act allows an applicant who is dissatisfied with the determination of an application, a right of appeal to the Land and Environment Court within 6 months from the date of this notice.

Property: Lot 2 DP 617493, Lot 2 DP 367716 No. 10X & 12 Old Berowra Road, HORNSBY NSW 2077

Development: Demolition of the existing community centre and dwelling house, construction of a community centre and a child care centre accommodating 72 children

Effective date of this determination: 19 December 2013

Per:
Manager, Assessments
Planning Division

Contact: Caroline Maeshian (9847 6732) – 8.30 am to 5.00pm)

CONDITIONS OF APPROVAL

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
DD 01 of 7	Landscape Concept Plan	E	29/10/2012
DD 02 of 7	Detail Plan A and B Child Care Centre	E	29/10/2012
DD 03 of 7	Detail Plan C Main Courtyard Area	E	29/10/2012
DD 04 of 7	Fencing Images Proposed Fencing Character	F	16/11/2012
DD 05 of 7	Landscape Planting Plan	E	29/10/2012
DD 06 of 7	Landscape Character	E	29/10/2012
DD 07 of 7	Landscape Character	E	29/10/2012
DD 01 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 Assessment	TEF Consulting	2 November 2012
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	P. Clifton & Associates Pty Ltd	-

Inspection		
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

DD 04 of 7	Fencing Images Proposed Fencing Character	F	16/11/2012
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

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 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 - Acoustic Assessment

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.

59. Car Parking – Child Care Centre

The car parking area at the front of the child care centre (7 spaces) is to be available before 9:30am and after 2:30pm for drop off and pick up purposes only. This car parking area is not to be used by staff of the child care centre during these times.

- 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.