

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

**SUPPLEMENTARY REPORT**

<b>JRPP No</b>	2015SYW142
<b>DA Number</b>	DA/849/2015 (Lodged 9 July 2015)
<b>Local Government Area</b>	Hornsby
<b>Proposed Development</b>	Hornsby PCYC – Demolition of existing tennis court complex and construction of a new indoor recreation facility with basement car parking.
<b>Street Address</b>	Lots 300 and 301 DP 832745 Nos. 20X Waitara Avenue, Waitara (Waitara Oval) and 1 Park Lane, Waitara (Waitara Park -Tennis Courts)
<b>Applicant/Owner</b>	Facility Design Group Pty Ltd PO Box 82 CAMBEWARRA NSW 2540
<b>Number of Submissions</b>	Four (4) submissions
<b>Recommendation</b>	Approval
<b>Report by</b>	Key Urban Planning on behalf of Hornsby Council

## **INTRODUCTION**

This Supplementary Report is to advise the Joint Regional Planning Panel of matters that have arisen in respect to Planning Report JRPP No. 2015SYW142 and includes recommendations for additional conditions.

### **1. AMENDMENT TO WASTE CONDITIONS**

The wording of Condition No. 25 is required to be amended to reflect the amended layout for the storage and collection of waste for the development as detailed in the plans referenced in condition No. 1.

Furthermore a new condition No. 25A is also recommended to ensure that all vehicular access for the development meets Australian Standards and condition No. 2 (Amendment of Plans) has been amended to include the waste requirements specified in condition No. 25.

## 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:

<b>Plan No.</b>	<b>Plan Title</b>	<b>Drawn by</b>	<b>Dated</b>
A.050	Site Plan	Facility Design Group	06/07/2015
A.060	Demolition Plan	Facility Design Group	06/07/2015
A.100.A	Basement Car Park Floor Plan	Facility Design Group	07/10/2015
A.101.A	Ground Floor Plan	Facility Design Group	07/10/2015
A.102	Level 01 Floor Plan	Facility Design Group	06/07/2015
A.103	Roof Plan	Facility Design Group	06/07/2015
A.400	Sections	Facility Design Group	06/07/2015
A.500	Elevations East + West	Facility Design Group	06/07/2015
A.501	Elevations North + South	Facility Design Group	06/07/2015
3406.DA02 Issue 4	Landscape Plan	Environmental Partnership NSW	October 2015
3406.DA03	Landscape Indicative Elevations Sheet 1	Environmental Partnership NSW	May 2015
3406.DA04	Landscape Indicative Elevations Sheet 2	Environmental Partnership NSW	May 2015

A.1030	Schedule of finishes	Facility Design Group	06/07/2015
S15013-C0700	Erosion and sediment control plan - Rev A	BE&E Civil Engineering	26/05/2015
S15013-C0701	Erosion and sediment control plan - Rev A	BE&E Civil Engineering	26/05/2015

<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
Statement of Environmental Effects	Stimson and Barker	June 2015
Geotechnical Investigation Report No. 14/1497	SMEC Testing Services Pty Ltd	July 2014
Stormwater Management and Water Sensitive Urban Design Strategy Ref: S15063-REP-C-001 Rev B	BE&E Civil Engineering	07/07/2015
S15013 C-0001 Rev A - Notes Sheet	BE&E Civil Engineering	26/05/2015
S15013 C-0100 Rev A - Siteworks Plan and Stormwater Concept Plan	BE&E Civil Engineering	26/05/2015
S15013 C-0400 Rev A - Combined Tank Details Sheet	BE&E Civil Engineering	26/05/2015
Hornsby PCYC Gymnasium Noise Assessment Ref: nss22239	Noise and Sound Services	May 2015
Traffic and Parking Assessment Report No. PT15018_Final	Positive Traffic	May 2015
Heritage Impact Assessment	Warwick Mayne-Wilson	May 2015
Statement of Compliance Access for People with a Disability	Accessible Building Solutions	22/06/2015
D06148456	Facility Design Group	24/06/2015
Site Tree Location Plan	HSC Tree Management Team	7/09/2015

## 2. Amendment of Plans

The approved plans are to be amended as follows:

- a) Two motorcycle parking spaces designed in accordance with AS 2890.1-2004 are to be provided in the basement car park.
- b) Ten bicycle parking spaces designed in accordance with AS 2890.3-1993 are to be provided in an easily accessible covered area near the building on the ground level.

- c) A footpath is to be provided to connect the pedestrian area in front of the PCYC building with the 'Shared Zone' in Park Lane.
- d) The waste room and waste vehicle loading bay are to be amended in accordance with the requirements specified in condition No. 25.

### 3. Construction Certificate

- a) 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.
- b) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

### 4. Section 94A Development Contributions

- a) In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 94A Development Contributions Plan 2012-2021*, \$150,000 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development, based on development costs of \$150,000,000.
- b) The value of this contribution is current as at 21 October 2015. If the contributions are not paid within the financial quarter that this condition was generated, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{DC} \times \text{CPI}_{PY}}{\text{CPI}_{DC}}$$

Where:

$\text{\$C}_{PY}$  is the amount of the contribution at the date of Payment

$\text{\$C}_{DC}$  is the amount of the contribution as set out in this Development Consent

$\text{CPI}_{PY}$  is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

$\text{CPI}_{DC}$  is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date applicable in this Development Consent Condition.

- c) The monetary contributions shall be paid to Council:
  - (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
  - (ii) prior to the issue of the first Construction Certificate where the development is for building work; or

- (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
- (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

**Council's S94A Development Contributions Plan may be viewed at [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.**

#### **5. Removal of Trees**

- a) This development consent permits the removal of tree(s) numbered 23, 24, 25, 28, 29, 30, 33 and 42 as identified in the Site Tree Location Plan provided by Council's Tree Management Team dated 7 September 2015 (D06578907).
- b) The removal of any other trees from the site requires separate approval by Council in accordance with Part 1B.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan, 2013 (HDCP).
- c) All cultural plantings or significant trees not impacted by this proposal should be protected during the works. If removal of any of these trees is required they should be replaced with trees in a similar location that would mature to a similar size and canopy as required under Part 9.3.3 (d) Hornsby Development Control Plan (HDCP) 2013.

#### **6. New Tree Planting**

The new tree planting proposed on the northern side of the new building (adjacent the 'grassed terrace') should consist of cultural trees of the 1920/30s similar to those found in the park to reinforce heritage values and provide a screen (minimum 8-9 metres at maturity) to soften the impact of the new building. Details of these trees should be submitted to Council prior to the release of any Construction Certificate.

#### **7. Compliance with Heritage Impact Statement**

The ameliorative measures recommended in the Heritage Impact Statement (HIS) prepared by Warwick Mayne-Wilson, dated May 2015 (p.16-17) should be included in the proposal.

#### **8. Stormwater Drainage**

The stormwater drainage system for the development must be designed and constructed for an average recurrence interval of 20 years and be gravity drained via an onsite detention and water quality treatment systems to the following requirements:

- a) Connected to an existing Council piped drainage system in accordance with Drawing Nos C-0100 and C 0400, Project No S15013 by BG&E PTY LTD.
- b) All stormwater pipes that is to become part of Council's network must be constructed in accordance with Council's Civil works Specifications and a construction certificate application is to be submitted to Council for approval. An overland flowpath is to be provided over such a drainage line.
- c) Be designed by a Chartered Professional Civil/ Hydraulic Engineer of the Institution of Engineers, Australia

**9. Connection to Council pit**

- a) A construction certificate is to be submitted to Council for connection to Council pit that is proposed to be upgraded and the new stormwater pipeline that is to become part of Council system. All redundant pipes are to be removed.
- b) Prior to the issue of an occupation permit, a compliance certificate shall be obtained from Council for the works.

**10. On Site Stormwater Detention**

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

- a) Storage capacity to accommodate volume from up to 50 years ARI (average recurrence interval) storms and a maximum discharge (when full) limited to 5 years pre development rate.
- b) Have a surcharge/inspection grate located directly above the outlet. 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.
- c) Where above ground system is proposed and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed
- d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.
- e) Detail calculations are to be shown in construction certificate plan.

**11. Water Quality Treatment System**

- a) Stormwater discharging from the development site is to be treated to achieve the quality specified in Council's Development Control Plan 2012 (table 1C.1.2(b) Urban Stormwater Quality Targets).
- b) Prior to occupation of the premises, a Chartered Civil/Hydraulic Engineer of the Institution of Engineers, Australia is to certify that works have been

completed in accordance with the approved construction plan and the measures will achieve the targets specified in the condition.

**12. 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 must be replaced with integral kerb and gutter;
- b) The footway area must be restored by turfing;
- c) Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

*Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.*

**13. Internal Driveway/Vehicular Areas**

The driveway and parking areas on site must be designed in accordance with *Australian Standards 2890.1, 2890.2, 3727* and the following requirements:

- a) Design levels at the front boundary must be obtained from Council.
- b) The driveway must be a rigid pavement.

**14. Acoustic Treatment**

Acoustic treatment must be provided to the proposed building in accordance with the recommendations contained in the Hornsby PCYC Gymnasium Noise Assessment, document number nss22239 prepared by Noise & Sound Services dated May 2015.

**15. Club Management**

The use of the club premise must be managed in accordance with the recommendations of the Hornsby PCYC Gymnasium – Noise Assessment, document number nss22239 prepared by Noise & Sound Services dated May 2015. A management plan must be prepared and adhered to in accordance with the recommendations of the acoustic report.

**16. Use of Facility - Acoustics**

- a) Signs must be posted at exits to the facility stating: "CONSIDER OUR NEIGHBOURS. PLEASE KEEP NOISE TO A MINIMUM."
- b) All noise complaints must be recorded by the Duty Manager and must be dealt with immediately.



- c) The use of the premise must be controlled so that any emitted noise is at a level so as not to create an “*offensive noise*” as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.

<b>REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE</b>
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**17. Building Code of Australia**

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

**18. Construction Management Plan**

A Construction Management Plan is to be prepared for approval by Council's Parks and Recreation Manager identifying the extent of land within Lot 300 DP 832745 (Waitara Park) to be occupied for construction activities, methods of construction access, locations and extent of construction fencing and provision of temporary services for construction activities.

**19. Electrical substation location**

The final location and requirements for the proposed new electrical substation, within Lot 300 DP 832745 (Waitara Park) associated with the building is to be approved by Council's Parks and Recreation Manager.

**20. 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*, *Australian Standard AS 2890.2:2002 – Off-street commercial vehicle facilities* 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. (Service vehicle bay in Park Lane excepted subject to e) below).
- e) Reversing movements into the service vehicle bay in Park Lane shall occur outside peak pedestrian activity or adequate pedestrian management is implemented during the reversing manoeuvre.
- f) The use of parking in the basement by commuters is to be monitored once the facility is operational and appropriate parking control implemented if required.

**21. 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. The Traffic Management Plan shall be submitted and approved by Council's Manager Traffic and Road Safety prior to the issue of a construction certificate. 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.

**22. Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control must be submitted to Council prior to the issue of a construction certificate. Council will review the CTMP, agree any modifications with the proponent and enforce the CTMP during construction.

**23. 'Shared Zone'**

Details of the 'Shared Zone' treatment in Park Lane, associated regulatory signs and parking restrictions are to be referred to the Hornsby Local Traffic Committee for approval.

**24. Identification of Survey Infrastructure**

Prior to the issue of a construction certificate, a registered surveyor shall identify all survey marks in the vicinity of the proposed development. Any survey marks required to be removed or displaced as a result of the proposed development shall be undertaken by a registered surveyor in accordance with Section 24 (1) of the *Surveying and Spatial Information Act 2002* and following the Surveyor General's Directions No.11 – "**Preservation of Survey Infrastructure**".

**25. Waste Management Details**

The following waste management requirements must be complied with:

- a) The approved on-going waste management system must not be amended without the written consent of Council.
- b) The waste collection vehicle loading bay must be designed in accordance with AS 2890.2-2002 for a heavy rigid vehicle.

- c) The waste room must be increased from 2.6m x 4.2 m to 3.0m x 4.2m (internal dimensions - wall thicknesses must be added).
- d) The pathway between the bin storage room and the truck parking position must be of a smooth hard surface with no steps (Including no step kerb).
- e) A Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage, covering the scope of this project and including the following details, is required to be submitted to Council:
  - i) An estimate of the types and volumes of waste and recyclables to be generated;
  - ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;
  - iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed;
  - iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

#### **25A. Certification of Traffic Engineer**

Prior to the issue of a Construction Certificate, a Certificate from an appropriately qualified Traffic Engineer is to be submitted to the Principal Certifying Authority (PCA) certifying that the parking modules, loading areas and garbage collection areas comply with AS 2890.1, AS 2890.2 and the approved Development Consent plans and conditions.

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS</b>
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#### **26. 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.*

**27. 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.*

**28. 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.

**29. 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 may be issued for any non-compliance with this requirement without any further notification or warning.*

**30. Appointment of a Project Arborist**

A project arborist (AQF5 qualified) must be appointed to oversee the installation of tree trunk protection and fencing required to protect the tree root zone.

**31. Tree Trunk Protection**

Tree trunk protection must be installed prior to the commencement of any works on the site and be in accordance with the Australian Standard 'Protection of Trees on Development Sites (AS 4970-2009).

### **32. Tree Protection Zone Fencing (TPZ)**

Tree protection fencing must be erected around trees numbered 13, 14, 15, 17, 18, 19, 20, 21, 22, 27, 31, 32, 35-41, 43-45, 46, 34, 47-50 and 51 in accordance with required tree protection zones as identified in Tree Survey Retention information provided by HSC dated 9 September 2015 (D06578955).

### **33. Protection Fencing Requirements**

- a) The installation and maintenance of tree trunk and protection zone fencing must be in accordance with *Australian Standard AS 4970-2009* (1.4.4).
- b) The project arborist (AQF5 qualified) must monitor the integrity of the tree protection methods, recording any modifications or alterations to the tree protection zone fencing for the duration of the construction period.
- c) A Project arborist (AQF5 qualified) must submit to the Principal Certifying Authority (PCA) a certification/statement confirming that all tree protection measures have been installed in accordance with this consent and the specific requirements of *Australian Standard "Protection of Trees on Development Sites" (AS 4970-2009)*.

### **34. Tree Ground Protection**

All Tree Protection Zones must have a layer of wood-chip mulch installed prior to works commencing and must be maintained throughout the period of construction at a depth of 150mm – 300mm using material that complies with Australian Standard AS 4454.

### **35. Root Mapping-**

- a) Where any excavation is proposed within the TPZ of trees numbered 13, 14, 15, 17, 18, 19, 20, 21, 22, 27, 31, 32, 35-41, 43-45, 46, 34, 47-50 and 51 root mapping must be undertaken to determine the presence, size and depth of the root system within this area of TPZ.
- b) The detection of roots/works must be in accordance with Australian Standard AS 4970-2009 (section 3.3.4) and be carried out under the direction and supervision of the Project Arborist.

## **REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION**

### **36. 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.

**37. 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.

**38. 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.

**39. Street Sweeping**

Street sweeping must be undertaken following sediment tracking from the site along Park Lane, Waitara Avenue and Park Avenue, Waitara during works and until the site is established.

The street cleaning services must undertake a street ‘scrub and dry’ method of service and not a dry sweeping service that may cause sediment tracking to spread or cause a dust nuisance.

**40. Council Property**

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath. The public reserve must be kept in a clean, tidy and safe condition at all times.

*Note: This consent does not give right of access to the site via Council’s park or reserve. Should such access be required, separate written approval is to be obtained from Council.*

**41. 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.

**42. Landfill**

Landfill must be constructed in accordance with Council's *'Construction Specification 2005'* and 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.

**43. 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.

**44. 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.

**45. 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.*

#### **46. Traffic Control Plan Compliance**

The development must be carried out in accordance with the submitted Traffic Control Plan (TCP).

#### **47. Maintenance and Monitoring of Tree protection**

- a) All required tree protection measures must be monitored by the appointed project arborist to ensure that they are maintained in good condition for the duration of the construction period.
- b) The project arborist must record the method(s) used to preserve the tree(s) 13, 14, 15, 17, 18, 19, 20, 21, 22, 27, 31, 32, 35-41, 43-45, 46, 34, 47-50 and 51 for the duration of the proposed works and forms part of final certification documentation.

#### **48. Consenting to Works within Tree Protection Zones**

Consent is granted to undertake works within the Tree Protection Zone of specified trees 13, 14, 15, 17, 18, 19, 20, 21, 22, 27, 31, 32, 35-41, 43-45, 46, 34, 47-50 and 51 with the following conditions:

- a) Project Arborist
  - i) The project arborist must be appointed to monitor and assess all consented works within the tree protection zone
  - ii) The appointed project arborist must monitor and assess the condition of tree(s) within the growing environment and make recommendations for maintaining tree health/condition and if necessary carry out remedial action to ensure the health and vigour of the tree(s).
  - iii) The project arborist must keep a record of the method(s) used to preserve the tree(s) .g. application of nutrients/root development stimulants (fish emulsion).
- b) Driveway/concrete slabs (no-strip footing)-
  - i) Tree protection fencing must only be adjusted to provide sufficient access i.e. 4 metres from the trees structural root zone to facilitate the installation of the driveway.
  - ii) The driveway must be built on grade, with the use of piers to provide support to minimise compaction within the tree protection zone
  - iii) Material being imported to the site to create level grade for driveway must be distributed by hand within the tree protection zone



- c) Root Pruning
  - i) The project arborist must be appointed to monitor and assess the necessary tree root pruning ensuring works are undertaken as specified in Australian Standard AS 4970-2009 Sections 3.3.4, 4.5.4 and 4.5.5.

**49. Basement Excavation**

Excavation to facilitate the construction of the basement must be carried out at completion of root pruning as identified in the root mapping process conditions.

**50. Drilling/ Boring to install underground services**

- a) The installation of any services within the nominated tree protection zone of any tree to be retained must utilise the thrust boring method.
- b) Thrust boring must be carried out so that 'top of pipe' is a minimum 600mm depth beneath existing ground level.

**51. Building materials and Site Waste**

The filling or stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, waste water or other contaminants must be located outside the tree protection zones as prescribed in the conditions of this consent or the prescriptive measures of Part 1B.6.1 Tree Preservation of the Hornsby Development Control Plan, 2013 . of any tree to be retained.

**52. Compliance with Construction Traffic Management Plan**

The Council approved Construction Traffic Management Plan is to be complied with for the duration of works.

**53. Construction Vehicles**

All construction vehicles associated with the proposed development are to be contained on site.

**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.*

**54. Tree Protection Certification**

A certificate from the project arborist must be submitted to the Principal Certifying Authority stating compliance with the relevant conditions of this consent.

**55. Maintain Canopy Cover**

Replacement Tree Planting is required under the following conditions:

*Green Offset Replacement Planting*

- a) To offset the loss of trees removed under this consent, replacement tree planting must be with the species characteristic of Sydney Iron Bark Turpentine Forest (STIF).
- b) The offset ratio for remnant EEC is 5:1 or 3:1 for non EEC, meaning that 5 medium to large trees selected from Council's booklet '*Indigenous Plants for the Bushland Shire*' such as *Syncarpia glomulifera*, *Angophora costata*, *Angophora floribunda*.

#### **56. Location and Size of Plantings**

- a) Tree plantings for must be located 4 metres or greater metres from the foundation walls of the approved development.
- b) The pot size of the replacement tree(s) must be a minimum 25 litres.
- c) The replacement tree(s) must be maintained until they reach the height of 3 metres.
- d) All tree stock must meet the specifications outlined in '*Specifying Trees*' (Ross Clark, NATSPEC Books).
- e) Planting methods must meet professional (best practice) industry standards

#### **57. Works as Executed Plan**

Works-as-executed plans must be prepared by a registered surveyor and submitted to Council for completed road works, drainage, driveway, on-site detention and water quality treatment systems.

#### **58. 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 an appropriate "Positive Covenant" and "Restriction as to User" over the constructed on-site detention and water quality treatment systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system and water quality treatment system is to be clearly indicated on the title.
- b) To register the positive covenant and the restriction on the use of land, "works-as-executed" details of the on-site-detention system and water quality system must be submitted verifying that the required storage and discharge rates and water quality treatment measures have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades and details of water quality treatment measures. Any variations to the approved plans must be shown in red on the "works-as-executed" plan and supported by calculations

- c) The creation of a drainage easement in accordance with Council's Civil works Specifications over any stormwater pipe that is to become a part of Council pipe network with a minimum width of 3m.

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

#### **59. Certificate of 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"**.

#### **60. 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*.

*Note: A certificate from a chartered civil engineer together with a works as executed design plan must be submitted to the principal certifying authority to demonstrate the satisfaction of this condition.*

#### **61. 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 must be replaced with integral kerb and gutter;
- b) The footway area must be restored by turfing;
- c) Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

*Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.*

#### **62. 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.

**63. Acoustic Certificate**

On completion of all works and prior to the issue of an Occupation Certificate, the certifier is to be provided with a certificate from a qualified acoustic engineer/consultant certifying that all acoustic works have been completed in accordance with the recommendations contained in the Hornsby PCYC Gymnasium Noise Assessment, document number nss22239 prepared by Noise & Sound Services dated May 2015.

**64. Damage to Council Assets**

Any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified in accordance with Council's Civil Works Specifications. Council's Restorations Supervision must be notified for a formwork inspection prior to pouring concrete

**65. Completion of Landscaping**

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

Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au).

*Note: Applicants are advised to pre-order plant material required in pot sizes 45 litre or larger to ensure Nurseries have stock available at the time of install.*

**66. Retaining Walls**

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

**67. 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*, and the *Food Regulation 20010 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.*

**68. Waste Management Details**

The following waste management requirements must be complied with:

- a) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the

development and ensure arrangements are in place for commercial waste collection.

*Note: Waste and recycling management facilities includes everything required for on-going waste management on the site. For example the bin lifter, motorised bin trolley or similar, bin storage areas, bulky waste storage area, bin carting routes, waste collection vehicle access, doors wide enough to fit the bin through, etc.*

- b) The waste room at the ground level 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, and must be lockable.
- c) 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.

- d) The bin carting routes must be devoid of any steps.

*Note: Ramps between different levels are acceptable.*

- e) There must be "No Parking" signs in the drop zone bay.

## **OPERATIONAL CONDITIONS**

### **69. Use of Premises**

The development approved under this consent shall be used for an indoor recreation facility with ancillary café and crèche and not for any other purpose without Council's separate written consent.

### **70. Hours of Operation**

The hours of operation of the premise are restricted to those times listed below:

Monday to Sunday 6:00 am to 10:30 pm

**71. 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).

**72. 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.

**73. Sight Distances**

Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.

**74. Parking**

- a) All parking for people with disabilities is to comply with AS/NZS 2890.6:2009 Off-street parking for people with disabilities.
- b) Bicycle parking spaces are to be constructed and operated in accordance with AS 2890.3-1993
- c) Motorcycle parking spaces are to be constructed and operated in accordance with AS 2890.1-2004

**75. Ongoing Waste Requirements**

- a) 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.
- b) The site must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.

**- 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.

### **Tree and Vegetation Preservation**

In accordance with Clause 5.9 of the *Hornsby Local Environmental Plan 2013* a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation protected under the Hornsby Development Control Plan 2013 without the authority conferred by a development consent or a permit granted by Council.

*Notes: A tree is defined as a long lived, woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than three metres (3M). (HDCP 1B.6.1.c).*

*Tree protection measures and distances are determined using the Australian Standard AS 4970:2009, "Protection of Trees on Development Sites".*

*Fines may be imposed for non-compliance with both the Hornsby Local Environmental Plan 2013 and the Hornsby Development Control Plan 2013.*

### **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.*

### **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.

### **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](http://www.dialbeforeyoudig.com.au) for free information on potential underground pipes and cables within the vicinity of the development site.

### **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.

### **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

### **Asbestos Warning**

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

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)

[www.adfa.org.au](http://www.adfa.org.au)

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

### **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](http://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.*