



Paynter Dixon Constructions Pty Ltd
Locked Bag 2219
NORTH RYDE NSW 1670

NOTICE OF DETERMINATION

APPROVAL

Development Application No: DA/1234/2015

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 1 DP 1042630 No. 449C Pennant Hills Road, PENNANT HILLS NSW 2120
Development:	Construction of a Performing Arts Centre at an existing educational establishment.
Effective date of this determination:	3 May 2016

Per:
Manager, Assessments
Planning Division

Contact: Debra Clydsdale (9847 6729 – 8.30 am to 5.00 pm)

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:

Approved Plans:

Plan No.	Plan Title	Drawn by	Dated
DA000 – Rev A	Cover Sheet	Paynter Dixon	13/08/2015
DA001 – Rev A	Site Plan Overall	Paynter Dixon	13/08/2015
DA002 – Rev A	Site Analysis Plan	Paynter Dixon	13/08/2015
DA003 – Rev A	Site Plan Localised Building	Paynter Dixon	13/08/2015
DA110 – Rev A	Ground Floor Plan	Paynter Dixon	13/08/2015
DA111 – Rev A	First Floor Plan	Paynter Dixon	13/08/2015
DA112 – Rev A	Roof Plan	Paynter Dixon	13/08/2015
DA300 – Rev A	Elevation Plan	Paynter Dixon	13/08/2015
DA301– Rev A	Elevations	Paynter Dixon	13/08/2015
DA350 – Rev A	Coloured Elevations	Paynter Dixon	13/08/2015
DA400 – Rev A	Sections A & B	Paynter Dixon	13/08/2015
340 – Rev B	Landscape Plan	Iscape	December 2015
341 –Rev A	Roof Terrace Plan	Iscape	August 2015
342 – Rev B	Sections	Iscape	December 2015

343 – Rev A	Overlaid Landscape Plan	Iscape	August 2015
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Supporting Documentation:

Doc. No. / Ref.	Document No.	Prepared by	Dated
SW00– P2	Stormwater Management Drawings	Demlakian	July 2015
SW01 – P3	Ground Floor Stormwater plan	Demlakian	July 2015
SW02 – P2	Stormwater details	Demlakian	July 2015
SW03 – P3	Stormwater details	Demlakian	July 2015
-	Stormwater Report	Demlakian	29 July 2015
SW04 – P3	Sediment and Erosion Control Plan	Paynter Dixon	July 2015
-	Stormwater Report	Demlakian	29 July 2015
-	Arboricultural Impact Assessment	Jackson Nature Works	3 August 2015
-	Flora and Fauna Impact Assessment and additional letter	Keystone Ecological	August 2015 and letter dated 18/2/2016.
-	Geotechnical Report	JK Geotechnics	13 April 2015
-	Waste Management Plan	Paynter Dixon	August 2015
20150386.2	Acoustic Report	Acoustic Logic	21 July 2015
-	Air Quality Report	Airsafe	12 August 2015
1485	Statement of Environmental Effects	Coastplan consulting	August 2015
120469b	Bushfire Hazard Assessment Report	Building Code & Bushfire Hazard Solutions Pty Ltd	13 August 2015
-	Letter – Outcomes of Parking Study	SECA Solution	1 December 2015

2. Removal of Existing Trees

- a) This development consent permits the removal of trees numbered 1, 26, 26A, 26C, 26D 27, 28, 29, 30, 31, 32, 61A, D and E as identified in the Arboricultural Assessment Report prepared by Jacksons Nature Works dated 03/8/2015 and the Approved Site Plan No. DA003, dated 13/08/2015.

- b) The removal of any other trees requires separate approval in accordance with the Tree and Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

3. Project Arborist

A Project Arborist is to be appointed in accordance with AS 4970-2009 (1.4.4) to provide monitoring and certification throughout the development process.

Details of the Project Arborist are to be submitted to Council and the Certifying Authority prior to the issue of a Construction Certificate.

4. 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) A separate Construction Certificate must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.
- c) A separate Construction Certificate must be obtained from Council for all works within drainage easements vested in Council.
- d) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

5. 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 2014-2024*, \$117,000.00 must be paid to Council to cater for the increased demand for community infrastructure resulting from the development, based on development costs of \$11,700,000.
- b) The value of this contribution is current as at 23/03/2016. If this contribution is not paid within the financial quarter that this condition was generated, the contribution 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:

$$\frac{\$C_{PY}}{CPI_{DC}} = \frac{\$C_{DC} \times CPI_{PY}}{CPI_{DC}}$$

Where:

$\$C_{PY}$ is the amount of the contribution at the date of Payment

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

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

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 must 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.

Note: 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 or a copy may be inspected at Council's Administration Centre during normal business hours.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Building Code of Australia

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

7. Sydney Water – Approval

This application must be submitted to *Sydney Water* for approval to determine whether the development would affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

Building plan approvals can be obtained online via *Sydney Water Tap in™* through www.sydneywater.com.au under the Building and Development tab.

8. Dilapidation Report

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of the western adjoining property, Lot 2 DP 1042630, No. 449D Pennant Hills Road, Pennant Hills.

- a) To record the structural condition of all properties adjoining the approved development, a dilapidation report must be prepared by a suitably qualified structural engineer for inclusion with the application of the Construction Certificate.

9. Stormwater Drainage

- a) The stormwater drainage system for the development must be designed for an average recurrence interval (ARI) of 20 years and be gravity drained to the existing internal drainage system.

- b) The stormwater drainage system for the head wall must be designed in accordance with Council's *Civil Works – Design and Construction Specification 2005*.

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) Have a capacity of not less than 60 cubic metres, and a maximum discharge (when full) of 49 litres per second;
- b) Have a surcharge/inspection grate located directly above the outlet;
- c) Discharge from the detention system must 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.

11. 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; and
- f) Pedestrian and cyclist access/safety.

12. Identification of Survey Marks

A registered surveyor must 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**".

13. Construction Traffic Management Plan

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

- a) A copy of the plans shall be submitted for consideration and written approval by Hornsby Shire Council prior to the release of the Construction Certificate.
- b) The plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.
- c) The CTMP plans shall be in accordance with the approved Development Application plans and the Development Consent conditions.
- d) In order to prevent injury, accident and loss of property, no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.
- e) The Plan shall be generally in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 1998" and detailing:-
 - i) Public notification of proposed works;
 - ii) Long term signage requirements;
 - iii) Short term (during actual works) signage;
 - iv) Vehicle Movement Plans, where applicable;
 - v) Traffic Management Plans;
 - vi) Pedestrian and Cyclist access and safety;
- f) The plans shall indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road to be facilitated at all times.
- g) The plans shall include the proposed truck routes to and from the site including details of the frequency of truck movements at the different stages of the development. The plan shall also include details of parking arrangements for all employees and contractors.
- h) The Applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.
- i) If there is a requirement to obtain a Work Zone, partial Road Closure or Crane Permit an application to Hornsby Shire Council is to be made prior to the issue the Construction Certificate

14. Integrated Vegetation and Fire Management Plan

An *Integrated Vegetation and Fire Management Plan* shall be prepared for the Blue Gum High Forest within the Asset Protection Zone required for the performing arts centre and other adjoining areas identified for compensatory revegetation and weed control works.

The Plan shall include, but not be limited to the following:

- a) Strategies to manage, maintain and conserve the bushland including;
 - i) On-going weed control and suppression using bush regeneration methods.
 - ii) Habitat protection including hollow-bearing tree retention.
 - iii) The restoration of all disturbed areas using bush regeneration techniques.

- b) Strategies for management of the Asset Protection Zones in a manner that has the least impact on the natural environment and maintains indigenous vegetation. This shall be undertaken in consultation with a Bushfire Management Consultant.
- c) Include the replanting of 65 trees on the site.
- d) Hand Removal of Bushfire Fuel;
 - i) Any clearing for bushfire protection within the approved Asset Protection Zones shall be undertaken using manual methods including manual removal of dead timber, raking and removal of leaf litter (fine fuel), manual slashing of understorey vegetation such as a hand held brushcutter and other methods that ensure minimal environmental damage and erosion whilst maintaining the vegetation at a low fuel reduced state. Indigenous vegetation including trees and shrubs shall be retained in partially thinned scattered clumps to ensure the vegetation is non-continuous. Underscrubbing is to retain 15 centimetres of groundcover vegetation (including grass and herbaceous species) and all vegetation greater than three metres in height is to be otherwise retained. No removal of native vegetation shall occur within 10 metres of a natural watercourse. Clearing is not permitted in bushland outside the asset protection zone. No mulch or garden waste is to be deposited in bushland.
- e) The key performance criteria are to read 'Noxious Weeds to be less than 2% cover at the end of each maintenance visit. Other weed species to be less than 4% cover at the end of each maintenance visit.'
- f) Management of overhanging trees close to residential and open space areas.
- g) Schedule of works including timeframes and responsibilities for management actions. Provide a cost schedule to undertake all rehabilitation actions, including maintenance.
- h) Erosion, sediment and stormwater runoff controls including the management of impacts of run-off from all impervious surfaces including pavement areas. Management and maintenance of approved storm water drainage areas.
- i) Appropriate map of the site.
- j) Details of qualifications and experience of company preparing the plan.
- k) Details of site monitoring including the submission of monitoring reports to Council of bushland management and restoration.
- l) All on-ground works must be managed by a suitably qualified bush regenerator or restoration ecologist who is to be a vegetation management specialist and to have at least 5 years experience in the management of native bushland and at least a TAFE Certificate III in Bush Regeneration or Conservation and Land Management – Natural Area Restoration qualifications.
- m) Include a nest box management plan and strategy to compensate the loss of fauna habitat. A minimum of ten boxes that include a variety of sizes suitable for microchiropteran bats, arboreal mammals and Gang-Gang Cockatoo shall be provided.

The Integrated Vegetation and Fire Management Plan shall be prepared and to the written satisfaction on Council's Natural Resources prior to the issue of a Construction Certificate.

Note: Council's Natural Resource Branch can be contacted on 02 9847 6542.

15. Environmental Site Management Plan

An Environmental Site Management Plan shall accompany the application of the Construction Certificate. This plan shall satisfy the relevant Objectives and Controls of the Hornsby Shire Council Development Control Plan 2013 and shall address the following:

- a) Actions and works to be employed to ensure safe access to and from the site and protection to be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, and the like;
- b) The proposed method of loading and unloading excavation machines, building materials;
- c) Areas within the site to be used for the storage of excavated material, construction materials and waste containers during demolition / construction;
- d) Methods to ensure that material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
- e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be certified by a Certifier accredited in civil engineering;
- f) The provision of temporary fencing to secure the work site (fencing, hoarding or awnings over public land require Council approval under the Roads Act);
- g) The control of surface water flows within and through the construction site to minimise erosion and movement of sediment off site;
- h) The type and location of erosion and sediment control measures, strategies to minimise the amount of soil uncovered at any time, the conservation of topsoil for re-use on site, the location and protection of stockpiles;
- i) Identify all trees that are to be retained and the measures proposed to protect them (including fencing, mulching, watering, erection of signs excluding access to the protection zone, etc), and identify areas Blue Gum High Forest to be protected;
- j) Detail the location of tree protection fencing to protect trees to be retained. Tree protective fencing must be installed in accordance with AS 4970-2009 (Clauses 4.3 and 4.4).
- k) Measures to ensure the safety of students, staff and others attending the site during the construction period.

The Environmental Site Management Plan shall be prepared to the written satisfaction on Council's Natural Resources Unit prior to the issue of a Construction Certificate.

Note: Council's Natural Resource Branch can be contacted on 02 9847 6542.

16. Geotechnical Details

Details must be submitted with the application for a Construction Certificate demonstrating compliance with the recommendations within Part 4 of the Geotechnical Report prepared by JK Geotechnics dated 13 April 2015, relating to retention systems, footings and the ground floor slab.

17. Acoustic Details

Details must be submitted with the application for a Construction Certificate demonstrating compliance with the recommendations within Part 8 of the Environmental Noise Assessment, prepared by Acoustic Logic dated 21/07/2015, relating to external windows and the mechanical services plant.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**18. Erection of Construction Sign**

- a) A sign must be erected in a prominent position on any site on which any approved work is being carried out:
 - i) Showing the name, address and telephone number of the principal certifying authority for the work;
 - ii) 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
 - iii) Stating that unauthorised entry to the work site is prohibited.
- b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.

19. Protection of Adjoining Areas

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

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

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

20. Toilet Facilities

- a) To provide a safe and hygienic workplace, toilet facilities must be available or be installed 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.
- b) Each toilet must:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) be a temporary chemical closet approved under the *Local Government Act 1993*; or
 - iii) have an on-site effluent disposal system approved under the *Local Government Act 1993*.

21. Erosion and Sediment Control

To protect the water quality of the downstream environment, 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.

22. Tree Protection Fencing

- a) Tree Protective Fencing must be installed in accordance with AS 4970-2009 to protect trees identified for retention.
- b) Certification must be provided by the Project Arborist to the Principal Certifying Authority stating that all required tree protection measures have been installed in accordance with AS 4970-2009.

REQUIREMENTS DURING CONSTRUCTION

23. Construction Work Hours

All works 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.

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. Street Sweeping

To protect the surrounding environment, Street sweeping must be undertaken following sediment tracking from the site along Pennant Hills Road, Pennant Hills 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.

26. Works Near Trees

- a) To protect trees to be retained, all required tree protection measures are to be maintained in good condition for the duration of the construction period.
- b) All works within the Tree Protection Zone of any tree required to be retained must be carried out under the supervision of an *'AQF Level 5 Arborist'*.
- c) A certificate must be submitted to the principal certifying authority detailing the methods used to preserve these trees during the course of construction.

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 occurs within 4 metres of any tree to be retained.

27. Bushland Protection During Construction

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

- a) The installation of 1.8 metre high chain wire fencing (or similar) outside the Tree Protection Zones of Blue Gum High Forest bushland to be retained as identified on Environmental Site Management Plan (prescribed by condition 15);
- b) All machinery to be cleaned of soil and debris before entering the site to prevent the spread of weeds and fungal pathogens.
- c) No material stock piles, no changes to soil aeration or hydrological capacity, no preparation of chemicals in adjoining areas, no open cut trenching, no placement of temporary buildings, no parking or movement of machinery, no spillage/disposal of building waste is to occur within the fenced off bushland
- d) The fencing shall allow access gate (with security locks) to allow bushland maintenance or other specific personnel to access environmentally sensitive areas
- e) The fencing shall include 'no entry' signage to inform construction personnel of the purpose of the fence as an environmentally sensitive area

Note: The site contains Blue Gum High Forest Critically Endangered Ecological Community under the 'Threatened Species Conservation Act 1995'. The Act prohibits the disturbance to threatened species, endangered populations and endangered ecological communities, or their habitat, without the approval of the 'Department of Environment and Climate Change' where such activities are not authorised by a development consent under the 'Environmental Planning and Assessment Act 1979'.

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

28. 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.

29. 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.

30. 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.

- b) A compaction certificate is to be obtained from a suitably qualified geotechnical engineer verifying that the specified compaction requirements have been met.
- c) This compaction certificate must be included with the application for an occupation certificate.

31. Excavated Material

All excavated material removed from the site must be classified by a suitably qualified person 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 be reported to the principal certifying authority prior to the issue of an Occupation Certificate.

32. Survey Report

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority:

- a) Prior to the pouring of concrete at each level of the building certifying that:
 - i) The building, retaining walls and the like have been correctly positioned on the site; and
 - ii) The finished floor level(s) are in accordance with the approved plans.

33. Waste Management

- a) All work must be carried out in accordance with the approved waste management plan.
- b) Stockpiling, cutting and sanding must be performed a minimum of 10 metres from the shoreline and screened by sediment fencing.

34. Maintenance of public footpaths

Public footpaths must be maintained for the duration of works to ensure they are free of trip hazards, displacements, breaks or debris to enable pedestrians to travel along the footpath safely.

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.

35. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from Sydney Water and submitted to the PCA..

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.

36. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with Council's Civil Works Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

37. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed drainage systems, water quality systems and on-site detention system.

38. Creation of Easements

The following matter(s) must be nominated on the plan of subdivision under s88E of the *Conveyancing Act, 1919*:

- a) The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention/retention 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 is to be clearly indicated on the title;
- b) To register the OSD easement, the restriction on the use of land *"works-as-executed"* details of the on-site-detention system must be submitted verifying that the required storage and discharge rates 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. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations;

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

39. Water Saving Urban Design

A Water Saving Urban Design (WSUD) is to be constructed generally in accordance with the engineering report and plans prepared by Demlakian Engineering, dated 29/07/2015. The Water Quality Targets as detailed within the report and Hornsby Shire Councils DCP are to be achieved in the design and supported by a MUSIC model.

40. Certification of WSUD Facilities

Prior to the issue of an Occupation Certificate a certificate from a Civil Engineer is to be obtained stating that the WSUD facilities have been constructed and will meet the water quality targets as specified in the Hornsby Shire Councils DCP.

41. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with Council's Civil Works Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

42. Completion of Landscaping

A certificate must be submitted to the PCA 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.

43. Certification by Project Arborist

Following the final inspection and the completion of any remedial tree works, the Project Arborist must submit to the Principal Certifying Authority documentation stating that the completed works have been carried out in compliance with the approved plans and the relevant conditions of consent. All certificates and documentation relating to the protection of trees must be included in the Final Certification.

44. Geotechnical Certification

A certificate from a Geotechnical Engineer is to be submitted to Principal Certifying Authority confirming that the recommendations within Part 4 of Geotechnical Report prepared by JK Geotechnics dated 13 April 2015 have been implemented.

OPERATIONAL CONDITIONS

45. 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).

46. Acoustic Management

The use of the premises must be managed in accordance with the recommendations of the Environmental Noise Assessment prepared by Acoustic Logic dated 21st July, 2015. A management plan must be prepared and adhered to in accordance with the recommendations of the acoustic report.

47. Operation of Performing Arts Centre

The Performing Arts Centre(PAC) is to operate in accordance with the following conditions:

- a) The PAC is to be used for school related events only.
- b) The PAC is not to be leased or hired to neighbourhood groups.
- c) During school hours the PAC is to be used only by students and staff, with no parents or carers attending events in normal school hours.
- d) Performances open to the school community are to occur only outside normal school hours.
- e) Performances open to the school community are not to commence before 4:30pm to allow time for staff to vacate the on-site parking spaces at the conclusion of classes.

GENERAL TERMS OF APPROVAL – NSW RURAL FIRE SERVICE

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 91A of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

48. Asset Protection Zones

At the commencement of building works and in perpetuity, the property around the building to a distance of 24 metres on the southern and eastern elevations and the distance between the building and property boundary on the northern and western elevations, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of '*Planning for Bushfire Protection 2006*' and the NSW Rural Fire Service's document '*Standards for Asset Protection Zones*'.

49. Water and Utilities

Water, electricity and gals are to comply with sections 4.1.3 and 4.2.7 of '*Planning for Bushfire Protection 2006*'.

50. Design and Construction

- a) New construction on the roof and on the eastern and southern elevations shall comply with sections 3 and 8 (BAL 40) Australian Standard 3959-2009 '*Construction of buildings in bushfire prone areas*' and section A3.7 of Addendum Appendix 3 of '*Planning for Bushfire Protection 2006*'.
- b) New construction on the northern and western elevations shall comply with sections 3 and 7 (BAL 29) Australian Standard 3959-2009 '*Construction of buildings in bushfire prone areas*' and section A3.7 of Addendum Appendix 3 of '*Planning for Bushfire Protection 2006*'.

Note: Further information concerning planning for bush fire protection can be found at: www.rfs.nsw.gov.au.

CONDITIONS OF CONCURRENCE – ROADS AND MARITIME SERVICES

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 91A of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

51. Roads and Maritime Services

- a) Any proposed buildings or structures are to be erected clear of the lands acquired for the Northconnex tunnel and Pennant Hills Road.
- b) The integrity of the Northconnex tunnel is not to be compromised.

Note: The subsurface of the property that was compulsory acquired by RMS for the Northconnex tunnel is identified as Lots 13 & 15 DP 1209584. The top of the substratum level is approximately 54 metres below ground level.

The RMS has resumed and dedicated a strip of land as road along the Pennant Hills Road frontage of the site.

The PAC building is sited clear of the lands acquired by the RMS.

- END OF CONDITIONS -

ADVISORY NOTES

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

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 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.

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.

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.