

## SYDNEY NORTH PLANNING PANEL

<b>Panel Reference</b>	2019SNH026
<b>DA Number</b>	DA/1227/2018
<b>LGA</b>	Hornsby Shire Council
<b>Proposed Development</b>	Demolition of existing dwelling, construction of a split level, 2 storey early learning child care facility comprising 80 places, an increase in the school student cap from 1150 to 1230 students and site amalgamation
<b>Street Address</b>	Nos. 6-12 Mount Pleasant Avenue and Nos. 91-93 Pennant Hills Road, Normanhurst
<b>Applicant</b>	Ethos Urban
<b>Owner</b>	Loreto Convent Property Association
<b>Date of DA Lodgement</b>	23 November 2018
<b>Number of Submissions</b>	65
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	Community Facility that has a capital investment value of more than \$5 million
<b>List of All Relevant s4.15(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• State Environmental Planning Policy No. 44 Koala Habitat Protection</li> <li>• State Environmental Planning Policy No. 55 Remediation of Land</li> <li>• State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>• Rural Fire Act 1997</li> <li>• Hornsby Local Environmental Plan 2013</li> <li>• Child Care Planning Guideline 2017</li> <li>• Hornsby Development Control Plan 2013</li> <li>• Hornsby Shire Section 94 Development Contributions Plan 2014 - 2024</li> </ul>
<b>List all documents submitted with this</b>	<p>Attachment 1 Locality Plan</p> <p>Attachment 2 Architectural Plans</p>

<b>report for the panel's consideration</b>	Attachment 3 Landscape plans Attachment 4 Parking Strategy
<b>Report prepared by</b>	Matthew Miles (Senior Town Planner)
<b>Report date</b>	28 August 2019

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

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### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

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### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

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### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.22)? **No**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

## ASSESSMENT REPORT AND RECOMMENDATION

### EXECUTIVE SUMMARY

- The application proposes demolition of existing dwelling, construction of a split level, 2 storey early learning child care facility comprising 80 places, an increase in the school student cap from 1150 to 1230 students and site amalgamation.
- The proposed development is defined as '*child care centre*' and is permitted with consent under the *Hornsby Local Environmental Plan 2013* in the R2 zone.
- The proposal generally complies with the relevant provisions of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, *Hornsby Local Environmental Plan 2013* and the *Hornsby Development Control Plan 2013*. The site of Loreto Normanhurst is identified as bushfire prone.
- 65 submissions have been received in respect of the application.
- It is recommended that the application be approved.

### RECOMMENDATION

THAT Development Application No. DA/1227/2018 for demolition of existing dwelling, construction of a split level, 2 storey early learning child care facility comprising 80 places, an increase in the school student cap from 1150 to 1230 students and site amalgamation at Lot C DP366271, Lot B DP327538 and Lots 1, 2 & 3 DP1218765, Nos.6-12 Mount Pleasant Avenue and Lot 3 DP1217496, Nos.91-93 Pennant Hills Road, Normanhurst be approved subject to the conditions of consent detailed in Schedule 1 of this report.

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### BACKGROUND

On 12 January 2018, DPE issued Secretary's Environmental Assessment Requirements (SEARS) for Loreto Normanhurst School Concept and Stage 1 works.

On 23 November 2018, Development Application No. DA/1227/2018 was lodged for demolition of existing dwelling, construction of a split level, 2 storey early learning child care facility comprising 80 places, an increase in the school student cap from 1150 to 1230 students and site amalgamation.

The application was exhibited between 4 January 2019 to 7 March 2019. During the notification period, Council received 62 submissions. The vast majority of submissions raised concerns regarding traffic and parking impacts.

On 15 February 2019, the applicant submitted amended architectural plans and additional traffic generation data.

On 13 March 2019, as a result of safety concerns indicated in the submitted traffic report, Council requested the applicant investigate alternative access options for entry and exit of the proposed Early Learning Centre, specifically providing access via Osborn Road as well as Mount Pleasant Avenue.

On 2 April 2019, the applicant provided a written response to Council disagreeing with alternative access arrangements given the proposals impact on Pennant Hills Road would be minor and that following completion of NorthConnex in 2020 traffic volumes are forecast to reduce significantly. Further, in terms of gaining access from Osborn Road, the School is proposed to be redeveloped as part of a 30-year Master Plan. The Master Plan would see all internal vehicular movements removed from within the School grounds to improve the environment for the students at the School. Therefore, there would be no feasible option for access from Osborn Road.

On 13 May 2019, Council received referral comments from Roads and Maritime Services requesting that the plan for the site include access via Osborn Road as well as Mount Pleasant Avenue.

On 5 June 2019, Sydney North Regional Planning Panel members and Council Staff met at the site and discussed the following aspects of the proposal:

- Overview and history of application.
- Relationship with the current Development Application and the Loreto Normanhurst State Significant Development concept proposal which is currently lodged with NSW Department Planning, Industry and Environment for a 2047 masterplan increasing student cap to 2000 students, erection of a new boarding house, adaptive reuse and new educational building.
- Safety concerns identified by Council's Traffic Branch and Roads and Maritime Services with the intersection of Pennant Hills Road and a request to provide internal access from the Loreto site in addition to Mount Pleasant Avenue to enable access to the traffic lights on Osborn Road and impacts to Sydney Blue Gum High Forest (SBGHF) adjoining the oval should a through road be constructed on the lower portion of the site.

On 18 June 2019, Loreto Normanhurst lodged State Significant Development concept proposal (SSD-8996) with the NSW Department of Planning, Industry and Environment for a 2047 masterplan including increasing the student cap to 2000 students, erection of a new boarding house, adaptive reuse and new educational buildings. The application was placed on exhibition from 28 June to 25 July and received a total of 21 submissions, 12 from the Public, 1 from an Organisation and 8 from a Public Authority. The application is currently under assessment by the Department.

On 5 July 2019, amended traffic and parking documentation was submitted to Council which included a right turn restriction at the intersection of Mount Pleasant Avenue and Pennant Hills Road during peak periods and submitted a Preliminary Operational Traffic Management Plan which included 10 car spaces within the Loreto School for use of both staff and parents and accessed from Osborn Road. The amended documentation seeks to reduce the reliance on the Mount Pleasant Avenue and Pennant Hills Road intersection by providing car spaces for parents and staff within the Loreto School site as well as in front of the ELC.

## **SITE**

The 3,913.9m<sup>2</sup> site has a frontage on three sides, Mount Pleasant Avenue to the east, Pennant Hills Road to the north and Osborn Road to the west and comprises five allotments including Nos. 6, 8, 10-12 Mount Pleasant Avenue and Nos. 91-93 Pennant Hills Road, Normanhurst.

The early child care centre site slopes towards Mount Pleasant Avenue with an overall fall of approximately six metres.

The site includes a single storey dwelling on No.6 Mount Pleasant Avenue and includes a large cleared grassed area at No.8 Mount Pleasant Avenue.

The child care site directly adjoins two heritage items, namely the Loreto School which includes a group of early federation gothic brick school buildings, cemetery and gates and an adjoining federation style dwelling at No.4 Mount Pleasant Avenue.

The area adjoining the child care centre to the north and east comprises a low-density residential area.

The school site is partially bushfire prone, however the child care site is not bushfire prone.

## **PROPOSAL**

The application proposes demolition of a dwelling and construction and use of an 80 place early learning child care centre (ELC), increase in the school student cap from 1150 to 1230 students and site amalgamation.

The centre would cater for a maximum of 80 children with the following age groups:

- 0 - 18 months 10 Children
- 18 months – 2 years 18 Children
- 2 years – 3 months 22 Children
- 3 - 5 years 30 Children

The infants aged between 0 - 2 years would be maintained separate from toddler and pre-school age groups.

The centre would employ approximately 20-25 staff.

The proposed ELC would comprise a single building arranged in a series of curved lightweight pods which cluster underneath a green roof. The ELC encompasses 818m<sup>2</sup> of floor space across a part 1 and part 2 storey built form. The built form is designed to fit within the topography of the site as it falls towards Mount Pleasant Avenue.

The lower level of the ELC would comprise the front entrance from the car park, store rooms, cleaners room and building/plant services.

The ground level would include 3 separate 'pods' underneath the green roof for different age groups and would comprise 5 indoor play rooms, 2 cot rooms, numerous water-closet facilities and store rooms, a reception, office, arrival/waiting area, staff room and interview room. The indoor playrooms would have direct access to an expansive rear deck to the rear elevation of the building.

An uncovered carpark with direct vehicle access from Mount Pleasant Avenue, would be provided to the front of the ELC comprising 10 car parking spaces, including 1 disabled space, motorcycle parking and a bicycle rack. 10 car spaces with direct vehicle access from Osborn Road would be located within the Loreto School site for use by both parents and staff.

Pedestrian access is proposed to the southern and northern side of the ELC frontage in the form of an accessible ramp, which would provide direct access to the front entry of the centre and a public footpath is proposed in-front of the ELC. A pedestrian walkway would be provided from the Loreto School site to the ELC at the rear to provide access to the 10 dedicated ELC car spaces within the School grounds.

Six trees are proposed to be removed to facilitate the proposed development. Significant landscaping is proposed within the front, side and rear setbacks to compensate for any trees to be removed.

The fencing details would comprise a 1.8m high lapped and capped fence along the northern side boundary to replace the existing dilapidated boundary fence, a 1.8m feature fence along the front boundary, a 1.8m palisade fence above retaining walls along the southern boundary and a 1.8m security fence along the rear boundary.

The proposed operating hours of the child care centre would be 7am to 6pm, Monday to Friday (excluding public holidays).

No signage is proposed as part of this application.

## **ASSESSMENT**

The development application has been assessed having regard to *the Greater Sydney Region Plan, A Metropolis of Three Cities, the North District Plan* and the matters for consideration prescribed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

### **1. STRATEGIC CONTEXT**

#### **1.1 Greater Sydney Region Plan – A Metropolis of Three Cities and North District Plan**

*A Metropolis of Three Cities – the Greater Sydney Region Plan* has been prepared by the NSW State Government to guide land use planning decisions for the next 40 years (to 2056). The Plan sets a strategy and actions for accommodating Sydney's future population growth and identifies key targets such as dwelling numbers, infrastructure planning, liability, sustainability and productivity.

Part 3 of the strategy relates to "Infrastructure and Collaboration" and a key objective is to provide services and infrastructure to meet communities' changing needs. The strategy anticipates the number of infants aged between 0-4 years are projected to increase by 85,000 between 2016 and 2036 and as a consequence the number of early education and child care facilities will need to increase.

Further, the strategy cites changing demographics will affect the types and distribution of services required in neighbourhoods. The location of the proposed childcare centre would be accessible for nearby residents.

The proposed development would generally be consistent with *A Metropolis of Three Cities*, by providing additional services including job creation within a local neighbourhood.

The *North District Plan* provides a 20-year plan to manage growth and achieve the 40-year vision, while enhancing Greater Sydney's liveability, productivity and sustainability into the future. It is a guide for implementing *A Metropolis of Three Cities - the Greater Sydney Region Plan* at a District level and is a bridge between regional and local planning.

Hornsby Shire has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde, Northern Beaches and Willoughby to form the North District.

Over the 20 years to 2036, projections show an expected increase of 6,150 children aged four years and under. The identified challenge for Hornsby Shire will be to provide additional infrastructure for students and young people. The proposed child care centre would generally be consistent with the objectives of the strategy by providing 80 additional child care places.

## **2. STATUTORY CONTROLS**

Section 4.15(1)(a) requires Council to consider “*any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations*”.

### **2.1 Hornsby Local Environmental Plan 2013**

The proposed development has been assessed having regard to the provisions of the *Hornsby Local Environmental Plan 2013 (HLEP)*.

#### **2.1.1 Zoning of Land and Permissibility**

The subject land is zoned R2 (Low Density Residential) under the *HLEP*. The objectives of the zone are:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development is defined as a ‘*child care centre*’ and is permissible in the zone with Council’s consent. The proposal is consistent with the objectives of the zone as it provides additional services to meet the day to day needs of residents in the locality.

#### **2.1.2 Height of Buildings**

Clause 4.3 of the *HLEP* provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 8.5m. The proposal would have a maximum height of 8.3m and complies with this provision.

#### **2.1.3 Heritage Conservation**

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Council.

The Loreto Convent Group at Nos.91-93 Pennant Hills Road and Nos.16-22 Mount Pleasant Avenue, Normanhurst is included as a local heritage item listed in Schedule 5 of the *HLEP*.

The subject site is also located adjacent to a heritage item, namely the federation house at No. 4 Mount Pleasant Avenue, Normanhurst.

The child care centre is proposed on Nos. 6 and 8 Mount Pleasant Avenue, Normanhurst, with some peripheral landscaping, services and access located on Nos. 10-12 Mount Pleasant Avenue, Normanhurst (not heritage listed) and Nos. 91-93 Pennant Hills Road, Normanhurst – Loreto Convent (heritage listed). None of the heritage listing sheets for the Loreto Convent Group or the 2008 Perumal Murphy Alessi Conservation Management Plan (CMP) for Loreto Normanhurst identify specific built or landscape elements of heritage value within the subject development area.

A Statement of Heritage Impact (SoHI) was submitted with the proposal. It refers to the 2008 Perumal Murphy Alessi CMP for the Convent as a principal reference. The application has been assessed with regards to the SoHI and the heritage requirements of the Hornsby Development Control Plan (HDCP).

The proposal does not directly affect any of the heritage inventory or CMP identified elements, trees or fabric of heritage significance within the heritage curtilage of the Loreto Convent site. Consequently, it



would have no direct adverse heritage impact on the principal heritage values of the Convent. The roof and roof level services of the proposal however, particularly the lift, are likely to be seen from various locations within the Convent grounds and from some of its eastern buildings. These new elements are also likely to be in the view-line to the Convent from the public domain (Mount Pleasant Avenue). While this would result in a different outlook from both perspectives, provided the protruding lift is finished in a suitably recessive/blending colour scheme, it is considered that views of the landscaped roof and services from within the Convent would have no adverse impact its heritage values or setting or adversely impact its setting as viewed from the public domain. A condition of consent is recommended requiring the colour and finish treatments for the rooftop lift and the proposed western boundary fence to incorporate a recessive colour scheme.

It is considered that the proposed works would not directly impact the adjoining heritage item at No. 4 Mount Pleasant Avenue and would not impact views to the item from the public domain. While a number of trees would be removed for the development, a 1.8m fence, replacement and additional screen plantings and an adequate side (north boundary) setback is proposed which would adequately mitigate any potential heritage impacts to the item.

#### **2.1.4 Earthworks**

Clause 6.2 of the *HLEP* states that consent is required for proposed earthworks on site. Before granting consent for earthworks, Council is required to assess the impacts of the works on adjoining properties, drainage patterns and soil stability of the locality.

The site experiences a slope of 6m to Mount Pleasant Avenue. The proposal includes excavation works which would extend to 3.5m below natural ground level

A condition is recommended that a dilapidation report be prepared for the existing property adjoining the northern side boundary at No.4 Mount Pleasant Avenue as a consequence of the earthworks located 5m away from the garage on the adjoining property. Subject to the recommended condition the proposal is satisfactory in respect to Clause 6.2 of the *HLEP*.

## **2.2 State Environmental Planning Policy No. 44 - Koala Habitat Protection**

The proposal has been assessed against the provisions of *State Environmental Planning Policy No. 44 Koala Habitat Protection (SEPP44)* which aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. The provisions of *SEPP44* apply to the proposal as the site area is greater than 1 hectare. The proposal requires assessment of whether the site is a 'potential koala habitat', which is defined as areas of native vegetation where at least 15% of the trees on site constitute koala feed species.

The application includes an Arboricultural Impact Assessment prepared by Earthscape Horticultural Services. The report does not identify the presence of any koala feed trees listed under Schedule 2 of the Policy. The subject ELC site is therefore not considered a '*potential koala habitat*' and no further investigations are required for the purpose of *SEPP44*.

### **2.2.1 State Environmental Planning Policy No. 55 - Remediation of Land**

*State Environmental Planning Policy No. 55 (SEPP 55)* requires that consent must not be granted to the carrying out of any development on land unless Council has considered whether the land is contaminated or requires remediation for the proposed use.



The application was supported by a preliminary site investigation report prepared by Environmental Investigation Services.

The report indicated that the site appears to have been historically filled to achieve existing levels. Soil samples taken from the subject ELC site revealed that no elevated concentrations of contaminants were identified and that it is not likely that the site has experienced any significant contamination and further assessment under *SEPP 55* is not required.

## **2.3 State Environmental Planning Policy (Infrastructure) 2007**

The application has been assessed against the requirements of *State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)*. This Policy provides State-wide planning controls for development adjoining busy roads and rail corridors.

### **2.3.1 Traffic Generating Development**

The development is categorised as a traffic generating development in accordance with Clause 104 and Schedule 3 of the *SEPP* as it would result in an increase of the current student numbers of the school by 80 children.

The application was referred to Roads and Maritime Services (RMS) in accordance with Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*. The RMS reviewed the submitted traffic study and supporting documentation prepared by Ason Group and advised that the access to the site be provided via both Osborn Road and Mount Pleasant Avenue for both staff and parents.

In response to the request by the RMS, the applicant provided additional documentation on 5 July 2019 which provided 10 car spaces within the Loreto School site for use of both staff and parents which adequately satisfies this requirement and reduces car dependency on the Mount Pleasant Avenue and Pennant Hills Road intersection.

## **2.4 State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017**

*State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 (Childcare SEPP)* commenced on 1 September 2017.

Clause 23 of the *Childcare SEPP* requires Council to consider the relevant provisions of the Child Care Planning Guideline 2017 (CCPG). The CCPG will generally take precedence over the HDCP with the exception of building height, side and rear setbacks and car parking rates.

An assessment of the application against Part 1.3 Planning objectives, Part 2 Design quality principles, Part 3 Matters for consideration and Part 4 Applying the National Regulations to development proposals is provided below:

### **Part 1.3 - What are the planning objectives?**

The planning objectives contained within Part 1.3 of the CCPG include requirements that child care facilities are compatible with the existing streetscape, context and neighbouring land uses and that they seek to minimise adverse impacts of development on adjoining properties and the neighbourhood.

As per the discussion provided in response to Part 3 of the CCPG, the proposal is considered consistent with these objectives as the development would minimise adverse impacts with adjacent land uses and would be consistent with the existing streetscape.

## Part 2 - Design quality principles

The applicant has submitted a “Child Care Guideline Response” stating how the proposed development achieves the design principles of CCPG. The design principles of the CCPG are addressed in the following table:

Principle	Compliance
<b>1. CONTEXT</b>	<b>Yes</b>
<b>Comment:</b> The site would be co-located within the existing Loreto Normanhurst School site and the proposed ELC building would respond and contribute to the identity and future character of the School site and context.	
<b>2. BUILT FORM</b>	<b>Yes</b>
<b>Comment:</b> The scale of the development is in accordance with the height control and setbacks prescribed within the Hornsby DCP. The building footprint follows the topography of the site and responds to the site constraints. The development achieves a scale that will sit comfortably within the streetscape and with the addition of the green roof and significant landscaping would achieve a positive built form outcome to the public realm.	
<b>3. ADAPTIVE LEARNING SPACES</b>	<b>Yes</b>
<b>Comment:</b> The facility provides a range of large indoor and outdoor spaces that would accommodate a high quality fit out to enhance the learning quality of the centre. The centre includes areas of different use and character to encourage adaptive learning for a range of age groups.	
<b>4. SUSTAINABILITY</b>	<b>Yes</b>
<b>Comment:</b> An Environmental Sustainable Design analysis was prepared for the ELC application which recommends extensive sustainable initiatives such as recycled materials, thermal insulation, air quality measures, landscaping, green roofs, water reuse and energy efficient measures to ensure that the development encompasses sustainability initiatives that exceed standard practice for school developments.	
<b>5. LANDSCAPE</b>	<b>Yes</b>
<b>Comment:</b> The proposed ELC incorporates a significant amount of landscaping which includes a green roof, canopy trees and shrubs to enhance the landscape character of the school campus with a landscaping concept that integrates the ELC into the Loreto Normanhurst school campus.	
<b>7. AMENITY</b>	<b>Yes</b>
<b>Comment:</b> The ELC has been sited and designed in a manner in which a high level of amenity will be available for children, staff and neighbours. The buildings are designed into the topography of the site ensuring minimal overshadowing impacts, whilst the unique design would ensure sufficient levels of natural ventilation and a variety of different outdoor spaces.	
<b>8. SAFETY</b>	<b>Yes</b>
<b>Comment:</b> The design orientates the ELC towards Mount Pleasant Avenue providing passive surveillance of the public domain. Both the pedestrian and vehicular entry points are secure and visibly prominent from the street.	

The proposal includes 1.8m high perimeter fencing to secure the site and fencing within the site to protect against crime. The location of the indoor and outdoor learning areas combined with internal fencing allows for appropriate secure spaces.

### **Part 3 – Matters for consideration**

The following provides a detailed assessment against the design considerations within the CCPG, the matters support the design principles and must be considered by the consent authority when assessing a Development Application for a child care facility:

#### **Part 3.1 - Site selection and location**

The site is located approximately 450m from Normanhurst Railway Station and adjoins the Loreto Secondary School campus to the western rear boundary and the Loreto Primary School campus to the southern side boundary with only 1 shared residential neighbour. The site is not flood prone, does not adjoin a state road and is not located within the vicinity of any known heavy or hazardous industries, waste depots, service stations or the like.

As the site is located adjoining both the Loreto Primary School and Loreto Secondary School, it is anticipated that the location of the ELC would facilitate convenient drop-off and pick-up arrangements for parents with children enrolled in both the school and the proposed ELC.

The proposal meets the objectives of Part 3.1 of the CCPG and no concerns are raised with respect to site selection and location.

#### **Part 3.2 - Local character, streetscape and the public domain interface**

The ELC would provide a unique design that would fit within the character of the area and the topography of the site. Through the use of materials including a green roof and distinctive pod design as well as extensive landscaping, the siting and built form of the proposal would sit comfortably within the site and surrounding area and would contribute positively to the public domain interface.

The proposed development would be consistent in height with the surrounding low-density developments. The proposal also complies with Objective C12 of the CCPG which encourages setbacks that are consistent with the existing street character.

#### **Part 3.3 - Building orientation, envelope and design**

The proposed ELC would be orientated towards Mount Pleasant Avenue and the rear boundary. The ELC would be setback 22.5m from the front boundary and would be located 7.5m behind the front building line of the adjoining heritage item at No.4 Mount Pleasant Avenue. In addition to the substantial front setback, the building responds to the sloping topography of the site by incorporating a part 1 and part 2 storey building with a green roof which complies with the 8.5m maximum height limit and would comfortably sit within the site. The scale of the proposed development would be consistent with the adjacent low-density residential development and the built form responds positively to the streetscape.

The outdoor play areas would be orientated towards the secondary school grounds to minimise acoustic issues. The development would not pose a detrimental impact to adjoining properties with respect to sunlight access and is considered acceptable in this regard.

The development generally complies with Part 3.3 of the CCPG and is deemed appropriate in this respect.

### **Part 3.4 - Landscaping**

Detailed landscape plans were submitted with the application prepared by Oculus landscape architecture.

The proposed landscape scheme includes a number of medium to large canopy trees and a green roof over the ELC. The landscaping would be located over the entire site and is assisted by the design of the proposal which includes extensive setbacks to each boundary which provides an opportunity to enhance the landscape character of the school campus and provide screen landscaping to the streetscape and surrounding properties.

The landscape plan proposes 5 x Water gum trees and 2 x Sydney Red gum trees intercepted by small shrubs and plants to soften and screen the car park at the front of the ELC from the streetscape. In addition, the car park is proposed to include turfgrid paving to incorporate landscaping into the car park and a water saving urban design rain garden is provided to assist with car park runoff.

The proposal meets the objectives of Part 3.4 of the CCPG and is considered acceptable in this regard.

### **Part 3.5 - Visual and Acoustic Privacy and Part 3.6 - Noise and Air Pollution**

The application was supported by an acoustic report prepared by Wilkinson Murray.

Within the ELC site, privacy and security of children attending the facility would be achieved from significant landscaping, fencing and retaining walls which is assisted with the topography of the site and the stepped design of the proposal. Minimal windows are located towards the only adjoining property to the north to improve acoustic and visual privacy and given the topography of the site, no direct overlooking would occur to No. 4 Mount Pleasant Avenue.

The submitted acoustic report confirms that the indoor and outdoor noise levels for the proposed ELC would fall within acceptable noise levels for adjoining properties for a child care facility of 55dBA subject to the construction of a solid 1.8m lapped and capped side boundary fence along the northern property boundary to minimise noise impacts to the only adjoining neighbour which would replace the existing dilapidated boundary fence. The report indicates that existing background noise levels at the subject site already exceed the maximum outdoor criteria for a child care facility of 55dBA due to existing traffic noise from Pennant Hills Road which is located 80m to the north of the site.

It is considered that the proposed dense landscaping along the peripheries of the site would provide an appropriate landscape barrier between the subject site, adjoining properties and Pennant Hills Road to provide a filter for air pollution generated by traffic.

An operational plan of management was submitted with the application prepared in accordance with the planning principle in *Renaldo Plus 3 Pty Limited v Hurstville City Council [2005] NSWLEC 315*. The plan includes management procedures for the operation of the ELC including the following recommendations which have been included as a condition of consent:

- Erection and maintenance of signs to indicate that centre staff and parents must talk quietly in the outdoor play area; and doors must not be slammed. These signs must be placed at all entry points to the outdoor play area as well as in the outdoor play area;
- Music must only be played indoors quietly;
- Educators at all times must;
  - Supervise children;

- Speak to children and other staff quietly when outdoors;
  - Engage children in outdoor play activities to keep their attention focused;
  - Ask parents who are talking too loudly to speak more quietly;
  - Resolve children's conflicts face to face rather than shouting across the play area;
  - Direct children screaming or yelling to quieter play;
  - Comfort babies who are crying outdoors, and if the crying continues take the child indoors.
- Any complaints regarding the operation of the facility must be directed to the manager of the business and a log book of the date and time of the complaint, complainants must be advised within 48 hours of what, if any, actions have been undertaken as a result of reviewing the complaint, contact details of the person making the complaint and the nature of the complaint must be documented. This logbook must be readily available to Council and:
  - Contact details must be provided on a website or alternatively all adjoining properties must be notified in writing of relevant contact details of the manager of the Child care establishment.

The addition of a 1.8m solid boundary fence combined with appropriate building separation, stepped design of the ELC, canopy tree planting, implementation of the operational plan of management and appropriate glazing would limit noise emission to surrounding dwellings. The proposal meets the objectives of Parts 3.5 and 3.6 of the CCPG and is considered acceptable, subject to conditions.

### **Part 3.7 Hours of operation**

The hours of operation would be from 7am to 6pm and are compatible with adjoining residential uses and the adjoining Loreto School.

No objections are raised to the proposed hours of operation as they are consistent with Objective C29 of the CCPG which limits hours of operation between 7am to 7pm on weekdays.

### **Part 3.8 Traffic, parking and pedestrian circulation**

A Traffic and Parking report and multiple sets of supporting documentation requested by Council was prepared by Ason Group and submitted throughout the assessment of the development application.

The proposed ELC has a parking requirement of 1 space per 4 children in accordance with the Hornsby Development Control Plan 2013 giving a parking requirement of 20 car spaces. The 20 car spaces for the ELC would be provided via 2 separate car parks as follows:

- 10 car spaces would be provided directly in-front of the ELC with vehicle access from Mount Pleasant Avenue including 1 disabled space, motorcycle parking and a bicycle rack,
- 10 car spaces would be provided within the Loreto School site with vehicle access from Osborn Road, and
- The two car parks would be available for use by both parents and staff.

Pedestrian access is proposed to the southern and northern side of the ELC frontage in the form of an accessible ramp, which would provide direct access to the front entry of the centre and a public footpath is proposed in-front of the ELC. A pedestrian walkway would be provided from the Loreto School site to the ELC at the rear to provide access to the 10 dedicated ELC car spaces within the School grounds.

In terms of proposed traffic generation, the proposed volume of vehicles using RMS GTGD rates would be 64 vehicle trips in the AM peak hour and 56 vehicle trips in the PM peak hour which represents an additional vehicle every 1-2 minutes during the peak period and in the context of the surrounding road network and equates to 0.5% of the traffic volumes at the Mount Pleasant Avenue and Pennant Hills Road intersection during peak hour and 0.5% of the traffic volumes at Osborn Road and Pennant Hills Road during peak hour. Assuming 70 percent of the peak period occurs in the peak hour, there would be 45 vehicle trips in the AM peak hour and 40 vehicle trips in the PM peak hour.

The Traffic report identified that the intersection of Pennant Hills Road and Mount Pleasant Avenue is currently underperformance. Council requested detailed output tables and movement summary tables of the SIDRA model and five years of crash data for vehicles turning right out of Mount Pleasant Avenue onto Pennant Hills Road. In addition, the applicant was requested to investigate providing alternative car parking for the ELC to split traffic demand through both Mount Pleasant Avenue and Osborn Road as some parents could have children attending both the School and ELC site and investigate improving the intersection of Mount Pleasant Avenue and Pennant Hills Road.

In response to the above request, the applicant provided additional documentation which included the following:

- Output tables and movement summary tables of the SIDRA model,
- Five years of crash data for vehicles turning right out of Mount Pleasant Avenue onto Pennant Hills Road,
- A right turn restriction at the intersection of Mount Pleasant Avenue and Pennant Hills Road during peak periods,
- Preliminary Operational Traffic Management Plan which includes 10 car spaces within the Loreto School for use of both staff and parents and accessed from Osborn Road.
- Pedestrian walkway from Loreto School to the ELC from car park in the School grounds.

The amended documentation seeks to reduce the reliance on the Mount Pleasant Avenue and Pennant Hills Road intersection by providing 10 car spaces for parents and staff within the Loreto School site as well as 10 car spaces in front of the ELC. The proposal seeks to improve the safety of the intersection of Mount Pleasant Avenue and Pennant Hills Road by restricting right hand turn movements onto Pennant Hills Road which was recommended as a condition of consent in State Significant Development Application (SSDA) MP07\_0166, for the Wahroonga Estate Master Plan approved by the Department of Planning in March 2010.

In regards to traffic impacts, future year traffic volumes were provided by RMS and the analysis indicated that there would be significant reductions along the Pennant Hills Road corridor after the opening of NorthConnex in 2020. The subsequent SIDRA intersection analysis illustrated that the intersection performance of the Pennant Hills Road and Mount Pleasant Avenue intersection would improve between 2020 and 2026 significantly. The traffic analysis confirms that the external road network can accommodate the additional traffic generated by the ELC and that the “pre-existing” problems would be assisted by the delivery of NorthConnex.

It is considered that the proposed alternative car parking arrangements from Osborn Road and from Mount Pleasant Avenue as well as the expected opening of NorthConnex in 2020 and restriction of right hand turning movements onto Pennant Hills Road from Mount Pleasant Avenue would result in an acceptable parking and traffic impact to the surrounding road network and is considered acceptable on



traffic and parking grounds. The Proposal's impact on the operation of the intersection to Pennant Hills Road would be minor noting that Pennant Hills Road traffic volumes are forecast to reduce significantly.

As the development of the Loreto School masterplan could impact the car spaces within the School site dedicated to the ELC, Conditions are recommended requiring an easement over the Loreto School site to provide a minimum of 10 car parking spaces for the use of the ELC and an operational condition requiring a minimum 20 car spaces to be provided for the ELC at all times.

The following table sets out the proposal's compliance with the measures of Part 4 of the CCPG:

<b>Child Care Planning Guideline 2017 – Part 4</b>			
<b>Control</b>	<b>Proposal</b>	<b>Requirement</b>	<b>Compliance</b>
Unencumbered indoor space	>3.25m <sup>2</sup> per child (272m <sup>2</sup> )	3.25m <sup>2</sup> per child (260m <sup>2</sup> )	Yes
Unencumbered outdoor space	>7m <sup>2</sup> per child (1474m <sup>2</sup> )	7m <sup>2</sup> per child (560m <sup>2</sup> )	Yes
Storage			
External	7.9m <sup>2</sup> per child	0.3m <sup>2</sup> per child (24m <sup>2</sup> )	Yes
Internal	44.7m <sup>2</sup> per child	0.2m <sup>3</sup> per child (16m <sup>2</sup> )	Yes
On site laundry	Provided on site	Provided on site	Yes
Child toilet facilities	Provided on site	Provided on site	Yes
Administration space	Provided on site	Provided on site	Yes
Nappy change facilities	Provided on site	Provided on site	Yes
Solar Access for outdoor play	>30% of ground and no more than 60% outdoor space covered	30% of ground and no more than 60% outdoor space covered	Yes

As detailed in the above table, the proposed development complies with Part 4 of the CCPG.

Clause 25 of the *Childcare SEPP* contains non-discretionary development standards. This prevents the consent authority from imposing more onerous standards or refusing an application on the basis that they have not been complied with. An assessment of the application against Clause 25 of the *Childcare SEPP* has been carried out below:

#### **Centre-based child care - non-discretionary development standards**

*“Location – the development may be located at any distance from an existing or proposed early childhood education and care facility.”*



Comment:

The proposal complies with this provision.

**Indoor or outdoor space**

*“for development to which clause 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies - the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those clauses, or*

*for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies - the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause.”*

Comment:

The regulations require a minimum of 3.25m<sup>2</sup> of unencumbered indoor play area and a minimum of 7m<sup>2</sup> of unencumbered outdoor play area per child. Section 2.6 of this report addresses this requirement. The proposal complies with this provision.

**Site area, site coverage and site dimensions**

*“the development may be located on a site of any size, cover any part of the site and have any length of street frontage or any allotment depth”*

Comment:

The site has an area of 3,913.9m<sup>2</sup> and is considered acceptable.

**Colour of building materials or shade structures**

*“The development may be of any colour or colour scheme unless it is a heritage item or in a heritage conservation area.”*

Comment:

The development is not a heritage item or within a heritage conservation area and complies with this provision.

**2.5 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The application has been assessed against the requirements of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)*. This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Part 3 of the *Vegetation SEPP* states that a development control plan may make a declaration in any manner relating to species, size, location and presence of vegetation. Accordingly, Part 1B.6.1 of the Hornsby Development Control Plan 2013 (HDCP) prescribes works that can be undertaken to trees with or without consent.

Part 3.1.1 of this report provides an assessment in accordance with Part 1B.6.1 of the HDCP.

**2.6 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The application has been assessed against the requirements of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. This Policy provides general planning considerations and strategies to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained.

Subject to the implementation of installation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would have minimal potential to impact on the Sydney Harbour Catchment.

## 2.7 Rural Fire Act 1997

The existing Loreto school site is partially bushfire prone with the fire threat to the south of the site, however the child care site is not bushfire prone and is located 250m from the fire source.

Notwithstanding, as the proposed child care centre site is located within the Loreto grounds, the proposal constitutes '*integrated development*' subject to approval of the NSW Rural Fire Service for the issue of General Terms of Approval.

The RFS raised no concerns with the proposed development and provided General Terms of Approval and a Bush Fire Safety Authority with no specific recommended conditions.

## 2.8 Clause 3.42 Environmental Planning and Assessment Act 1979 - Purpose and Status of Development Control Plans

Clause 3.42 of the *Environmental Planning and Assessment Act 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitate development that is permissible under any such instrument; and achieve the objectives of land zones. The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist achieve good planning outcomes.

## 2.9 Hornsby Development Control Plan 2013

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the *Hornsby Development Control Plan 2013 (HDCP)*. The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

Hornsby Development Control Plan 2013			
Control	Proposal	Requirement	Compliance
Site Area (ELC)	3,913.9m <sup>2</sup>	N/A	N/A
Floor Area	818m <sup>2</sup>	430m <sup>2</sup>	No

Site Coverage	15%	30%	Yes
Height	8.3m – 2 storey	8.5m - 2 storey	Yes
Number of Children (90 children permitted where at least 25% of places are for 0-2 year olds)	80 Children	Max. 90 Children (Existing school site)	Yes
Recreation Space			
- <i>Indoor</i>	3.25m <sup>2</sup> per child	3.25m <sup>2</sup> per child	Yes
- <i>Outdoor</i>	7m <sup>2</sup> per child	7m <sup>2</sup> per child	Yes
Landscaping	67%	45%	Yes
Car Parking (1 space per 4 children)	20 Spaces	20 Spaces	Yes
Setbacks			
- <i>Front</i>	22.5m	6m	Yes
- <i>Side (north)</i>	6.5m	2m	Yes
- <i>Side (south) - Adjoins School site</i>	N/A	N/A	Yes
- <i>Rear – Adjoins School site</i>	N/A	N/A	Yes

As detailed in the above table, the proposed development does not comply with the floor area HDCP control. The matters of non-compliance are detailed below, as well as a brief discussion on compliance with relevant desired outcomes.

### 2.9.1 Scale

Table 7.1.2(c) of the *HDCP* provides intensity controls to limit the maximum floor area of any child care centre within the R2 Low Density Zone to 430m<sup>2</sup>. The proposed part 1 and part 2 storey child care centre would comprise 818m<sup>2</sup> in floor area which does not comply with this requirement.

The variance is considered acceptable as the ELC is located on the site of an existing school which is permitted to have a greater number of children than otherwise recommended in the R2 Low Density Residential zone as per Table 7.1.2(b) of the *HDCP*. As a consequence, amenity impacts associated within the development are limited given the context of the site.

It noted that Clause 26 of *Childcare SEPP* overrides Council's DCP requirements other than those concerning building height, side and rear setbacks or car parking rates. As a consequence, the intensity

controls of the *HDCCP* as detailed above have no effect since commencement of the *Childcare SEPP*. Accordingly, the floor area requirement is not a matter for consideration in the *Childcare SEPP* or Guideline.

### **2.9.2 Parking**

As discussed above in Section 2.4 under heading 'Part 3.8 Traffic, parking and pedestrian circulation', the proposal would provide a total of 20 on-site car spaces which complies with Council's DCP requirement for a child care centre requiring 1 car space per 4 children for a total of 20 car spaces.

The 20 car spaces would be provided via 2 separate car parks as follows: a carpark would be located directly in-front of the ELC with vehicle access from Mount Pleasant Avenue comprising 10 car parking spaces including 1 disabled space, motorcycle parking and a bicycle rack and 10 car spaces would be provided within the Loreto School site for use by both parents and staff with vehicle access from Osborn Road.

### **2.10 Section 7.12 Contributions Plans**

Hornsby Shire Council Section 94A Contributions Plan 2014 – 2024 applies to the development as the estimated costs of works is greater than \$100,000. Should the application be approved, an appropriate condition of consent is recommended requiring the payment of a contribution in accordance with the Plan.

## **3. ENVIRONMENTAL IMPACTS**

Section 4.15(1)(b) of the Act requires Council to consider *"the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality"*.

### **3.1 Natural Environment**

#### **3.1.1 Tree and Vegetation Preservation**

The site comprises a mix of locally indigenous, native and exotic tree species. The application was supported by an Arborist report prepared by Earthscape Horticultural Services.

Six trees are proposed to be removed to facilitate the proposed development.

Council's assessment of the proposal raises no objections to the removal of these trees as there is sufficient space on the site to provide compensatory plantings of locally occurring species to maintain the local amenity and tree canopy at the completion of the build process for the ELC which is indicated on the proposed landscape plan. Conditions are recommended for the appointment of an arborist and conditions requiring tree protection fencing and tree sensitive construction techniques.

#### **3.1.2 Stormwater Management**

A Stormwater Concept Plan was submitted with the application prepared by Taylor Thomson Whitting.

The stormwater plan indicates the installation of an on-site detention system with a capacity of 65m<sup>3</sup> and a maximum discharge of 80 litres per second, installation of a 80,000 Litre rainwater tank and stormwater enviropods with all stormwater from the development drained to the existing Council drainage system in Mount Pleasant Avenue.

Subject to conditions including that the on-site drainage system be designed by a qualified hydraulic engineer to meet Council's standards, the proposed stormwater drainage system is considered acceptable.

### **3.2 Built Environment**

#### **3.2.1 Built Form**

The design has attempted to minimise the visual impact by stepping the building into the sloping topography of the site and proposing extensive landscaping throughout the site.

The ELC would be setback 22.5m from the front boundary and would comfortably sit within the site. The scale of the proposed development would be consistent with the adjacent low-density residential development and the built form would positively contribute to the streetscape.

#### **3.2.2 Traffic**

Council's traffic assessment of the proposal is discussed in greater detail in the report above under Section 2.6. No objections are raised to the proposed traffic impacts of the proposal, subject to the recommended conditions in Schedule 1.

#### **3.2.3 Acoustics**

Whilst it is recognised that there would be some increase in noise associated with an increase in development on the site, it is considered that the noise increase would not be significant. Noise guidelines for child care centres are set out in the *NSW EPA's Noise Policy for Industry as well as the AAAC Guideline for Child Care Centre Acoustic Assessment*.

It is considered that noise generated by the development could be reasonably managed on site as the proposed building would be set well back from the private residential boundary to the north and opposite the site and the site is located within the long established school grounds. In addition, the ELC is located within close proximity to Pennant Hills Road and as a result the site already experiences a high level of existing background noise. The proposal is considered satisfactory with respect to potential acoustic impacts subject to conditions.

#### **3.2.4 Access**

The applicant submitted an Access Report prepared by Funktion.

The application proposes a continuous path of travel and incorporates accessible toilets and a lift between the ground and upper floor of the ELC. Subject to compliance with the recommendations of the Access Report and conditions contained in Schedule 1, the proposal is considered satisfactory with respect to access.

### **3.3 Social Impacts**

The proposed ELC would make a positive social contribution to the local community by providing services for the needs of local residents. This is consistent with the State Government's '*A Metropolis of Three Cities*' which identifies the need to provide an additional 850,000 childcare places by 2036.

### 3.4 Economic Impacts

The proposal would have a minor positive impact on the local economy by generating an increase in demand for local services and employment generation.

## 4. SITE SUITABILITY

Section 4.15(1)(c) of the Act requires Council to consider *“the suitability of the site for the development”*.

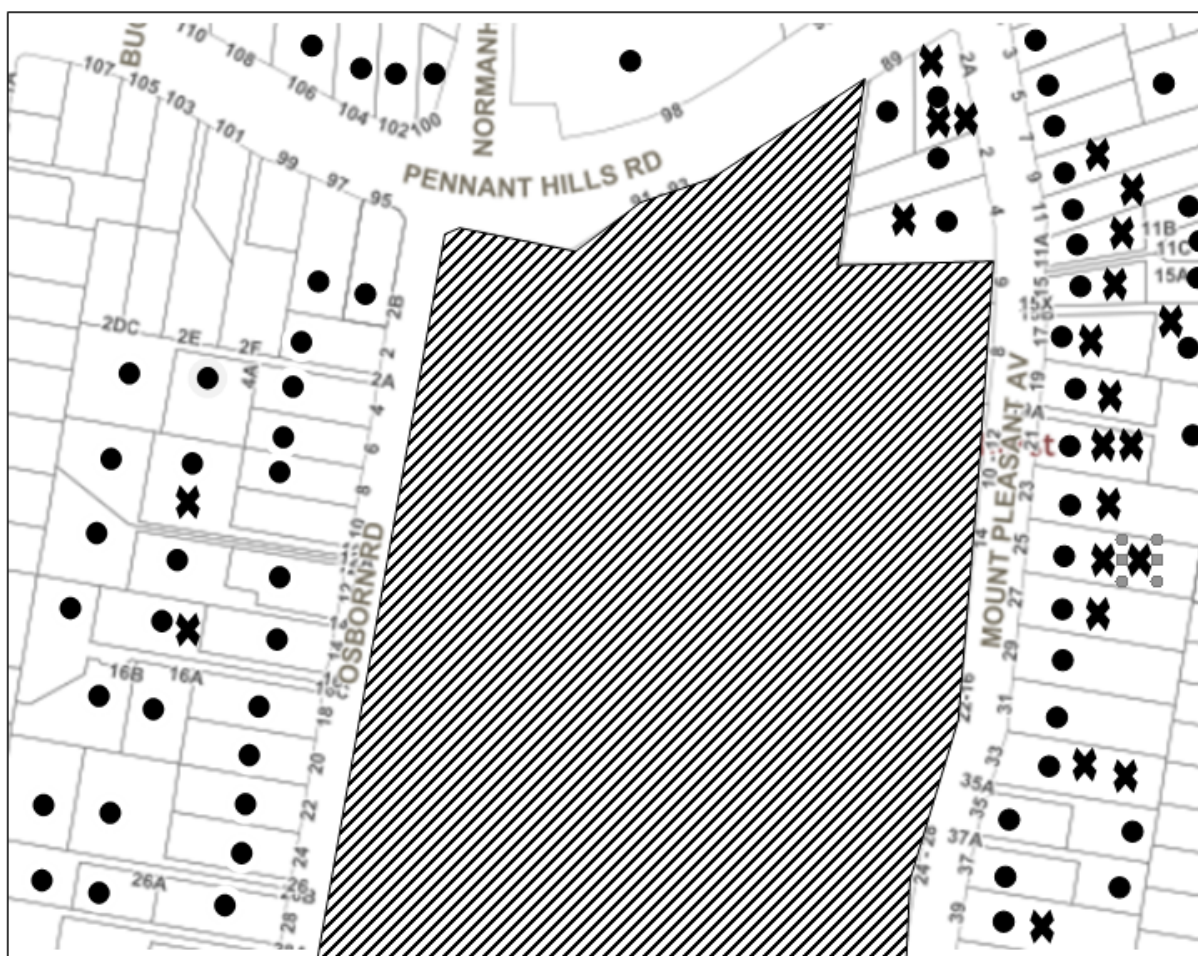
The site is capable of accommodating the proposed development. The scale of the proposed development is consistent with the capability of the site and is considered acceptable.

## 5. PUBLIC PARTICIPATION

Section 4.15(1)(d) of the Act requires Council to consider *“any submissions made in accordance with this Act”*.



### 5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 4 January 2019 to 7 February 2019 accordance with the Notification and Exhibition requirements of the HDCP. The notification included Ku-Ring-Gai Council areas. During this period, Council received 65. submissions. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.





## NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
42 SUBMISSIONS RECEIVED OUT OF MAP RANGE			

Council received submissions generally on the following grounds that:

### 5.1.1 Traffic on local streets and unacceptable Parking

This matter is discussed in greater detail in the report above, notwithstanding, the proposed ELC complies with the minimum number of car spaces required by Council's HDCP being 20 car spaces and incorporates parking measures to split traffic demand through both Mount Pleasant Avenue and Osborn Road as some parents could have children attending both the School and ELC site.

### 5.1.2 Traffic lights are necessary at Mount Pleasant Avenue.

The intersection has undergone review by Council and RMS previously which included consideration for signalisation. The signalisation concept layout was not supported by RMS on the basis that it was located in close proximity to the intersection of Pennant Hills Road, Osborne Road and Normanhurst Road.

### 5.1.3 The slip road off Osborn Road for parents to drop off and pick up students often becomes congested which causes traffic to queue in Osborn Road.

The pick-up and drop-off time for the ELC normally occurs outside the school peak hours, as a consequence it is not expected that the ELC will detrimentally affect the performance of Osborn Road during school peak hours.

### 5.1.4 Available parking spaces in School are not sufficient for staff of proposed Early Learning Centre

Amended plans were submitted which marked the dedicated parking spaces for staff and parents for proposed Early Learning Centre.

### 5.1.5 The Hornsby DCP states that community uses should not be situated in a street, or portion of a street, ending in a cul-de-sac.

It is acknowledged that the proposed development is situated in a street ending in a cul-de-sac. Whilst Mount Pleasant Avenue is a cul-de-sac, the road terminates approximately 1km from Pennant Hills Road and the ELC's southern boundary is located 150m from Pennant Hills Road which is considered a significant distance to the end of the cul-de-sac and would not cause traffic queuing at the end of the cul-de-sac in Mount Pleasant Avenue.



#### **5.1.6 Safety impacts and Crash data**

The applicant provided amended documentation which included five years of crash data for the intersection of Pennant Hills Road with Mount Pleasant Avenue. The data revealed that seven crashes occurred at this intersection since 2013. Four accidents, including a fatal crash, are related to the right turn movement from Pennant Hills Road into Mount Pleasant Avenue.

The applicant was subsequently requested by Council to provide alternative access arrangements for the ELC. Amended plans were received which included 10 car spaces located within the Loreto School site for parents and staff which can be accessed from Osborn Road, this is in addition to the 10 car spaces in front of the ELC and would assist in reducing the reliance on the Mount Pleasant Avenue and Pennant Hills Road intersection and availability of the other access opportunities. In addition, The applicant proposes to install 'no right hand turn' signage at the intersection of Mount Pleasant Avenue and Pennant Hills Road to increase road safety at this intersection.

In addition, intersection analysis associated with Mount Pleasant Avenue and Pennant Hills Road revealed that following NorthConnex becoming operational in 2020, the proposal's impact on the operation of the intersection would be minor noting that Pennant Hills Road traffic volumes are forecast to reduce significantly.

#### **5.1.7 Excessive size of development for road network**

The existing intersection performances and traffic congestion of the area is understood and has been documented in the Traffic Impact Assessment (TIA) report and supporting documentation. The completion of NorthConnex in 2020 is expected to significantly reduce the traffic flows along Pennant Hills Road. The ELC would not be operational until after the opening of NorthConnex. Therefore, the modelling assessment undertaken as part of the original TIA should be considered a worst case assessment based on the existing road network conditions.

Nonetheless, further intersection analysis was undertaken by Ason Group as part of additional works for Loreto Normanhurst School. Future year traffic volumes were provided by RMS and the analysis indicated that there would be significant reductions along the Pennant Hills Road corridor. The subsequent SIDRA intersection analysis has illustrated that the intersection performance of the Pennant Hills Road / Mount Pleasant Avenue intersection would improve (between now and 2026).

The traffic analysis confirms that the external road network can accommodate the additional traffic generated by the ELC and that the "pre-existing" problems would be assisted by the delivery of NorthConnex.

#### **5.1.8 Deceptive height to adjoining properties**

The DA was accompanied by a Survey Plan that illustrates the fall in the land at No.6 Mount Pleasant Avenue relative to the surrounding sites. The design of the ELC has been made having consideration to the maximum height of buildings, the topography of the site and the potential impacts on surrounding sites.

As such, the ELC is a fully compliant development that will have minimal impact on surrounding properties.

### **5.1.9 Unacceptable Notification**

The application was notified for a period of 35 days and included notification to all adjoining properties including properties in the adjoining Ku-Ring-Gai Council.

### **5.1.10 Bushfire**

A bushfire report was submitted with the application. NSW RFS raised no concerns with the proposed development. A condition is recommended that emergency and evacuation of the ELC must comply with Regulations 97 and 168 of the Education and Care Services National Regulations

### **5.1.11 Issues regarding management and protection of electricity substation**

The management and protection of power would be undertaken in a similar manner to all other developments and requires approval from Ausgrid.

### **5.1.12 The ELC will impact the significance of the adjoining heritage item**

As discussed in the report above under Section 2.1.3, the built form proposes a part 1 and part 2 storey development and the roof would sit below the roof height of No.4 Mount Pleasant Avenue. In addition, the ELC would be setback behind the front building line of the adjoining heritage item ensuring that the development would not detrimentally impact the significance of the item.

### **5.1.13 Tree removal to the front of the development**

The tree at the front of No.6 Mount Pleasant Avenue has been assessed as being of moderate retention value and cannot be retained due to the required location of the driveway for the ELC. Tree replenishment would be undertaken in accordance with the landscaping plan.

### **5.1.14 No Construction Traffic Management Plan submitted**

A condition is recommended requiring submission of a Construction Traffic Management Plan.

### **5.1.15 No contamination report submitted**

As discussed in the report above under Section 2.3, the site is not considered contaminated. No further assessment is required.

### **5.1.16 Inconsistencies within the Statement of Environmental Effects**

It is acknowledged that the Statement of Environmental Effects includes some inconsistencies and errors within the document. Notwithstanding a Statement of Environmental Effects is not a legally binding document and Council has undertaken its own assessment of the proposal and is satisfied that the proposal generally complies with the relevant provisions of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, *Hornsby Local Environmental Plan 2013* and the *Hornsby Development Control Plan 2013*, is permissible in the zone and is considered to be within the environmental capacity of the site.

### **5.1.17 Statement of compliance deferred, when will it be required?**

A condition is recommended prior to the release of the Construction Certificate requiring compliance with Part 4.3 Physical Environment of the *Education and Care Services National Regulations*.

## **5.2 Public Agencies**

The development application was referred to the following Agencies for comment:

### **5.2.1 Roads and Maritime Services**

The application was forwarded onto the RMS for comments. The RMS advised Council that the access to the site should be provided via both Osborn Road and Mount Pleasant Avenue for both staff and parents.

The applicant provided additional documentation on 5 July 2019 which provided 10 car spaces within the Loreto School site as well as 10 car spaces in front of the ELC for use of both staff and parents which adequately satisfies this requirement.

### **5.2.2 Rural Fire Service**

The site is bushfire prone with the fire threat to the south of the site.

Accordingly, the proposed child care centre constitutes 'integrated development' subject to approval of the NSW Rural Fire Service (RFS) for the issue of General Terms of Approval under Division 4.8 of the *Environmental Planning and Assessment Act 1979* and a Bush Fire Safety Authority pursuant to Section 100B of the *Rural Fires Act 1997*.

As discussed in Section 2.5 of this report, the RFS raised no concerns with the proposed development, subject to conditions.

## **6. THE PUBLIC INTEREST**

Section 4.15(1)(e) of the Act requires Council to consider "*the public interest*".

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council's and relevant agencies' criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

## **CONCLUSION**

The application proposes demolition of existing dwelling, construction of a split level, 2 storey early learning child care facility comprising 80 places, an increase in the school student cap from 1150 to 1230 students and site amalgamation

The proposal generally complies with the relevant provisions of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, *Hornsby Local Environmental Plan 2013* and the *Hornsby Development Control Plan 2013*. The development is permissible in the zone and is considered to be within the environmental capacity of the site.

Accordingly, the proposed development is recommended for approval.

The reasons for this recommendation are:

- The proposed development generally complies with the requirements of the relevant environmental planning instruments and development control plan, and
- The proposed early child care development would provide a positive social contribution to the local community by providing additional child care options.

*Note: At the time of the completion of this planning report, no persons have made a Political Donations Disclosure Statement pursuant to Section 10.4 of the Environmental Planning and Assessment Act 1979 in respect of the subject planning application.*

**Attachments:**

1. Locality Plan
2. Architectural Plans
3. Landscape Plan
4. Parking Strategy

## 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:

*Approved Plans:*

<b>Plan No.</b>	<b>Plan Title</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Council Reference</b>
SK 190723	ELC Proposed Lot Consolidation	Allen Jack + Cottier	No date	D07738695
DA1002, Issue 9	Proposed Site Plan	Allen Jack + Cottier	11.07.2019	D07738585
DA1101, Issue 3	Demolition Plan	Allen Jack + Cottier	22.11.2018	D07738585
DA2101, Issue 11	Floor Plans	Allen Jack + Cottier	21.08.2019	D07738585
DA2102, Issue 9	Roof Plan	Allen Jack + Cottier	11.07.2019	D07738585
DA3101, Issue 8	Elevations	Allen Jack + Cottier	22.11.2018	D07738585
DA3201, Issue 8	Sections Sheet 1	Allen Jack + Cottier	22.11.2018	D07738585
DA3202, Issue 4	Sections Sheet 2	Allen Jack + Cottier	22.11.2018	D07738585
DA3301, Issue 4	Materials Board	Allen Jack + Cottier	22.11.2018	D07738585
L-002, Rev B	Tree retention, relocation & removal plan	Oculus	10.07.2019	D07568897

<b><i>Plan No.</i></b>	<b><i>Plan Title</i></b>	<b><i>Drawn by</i></b>	<b><i>Dated</i></b>	<b><i>Council Reference</i></b>
L-101, Rev B	Landscape zoning plan	Oculus	10.07.2019	D07568897
L-102, Rev A	Landscape zoning - design intent	Oculus	21.11.2018	D07568897
L-103, Rev B	Fence arrangement plan	Oculus	10.07.2019	D07568897
L-200, Rev B	Ground floor landscape key plan	Oculus	10.07.2019	D07568897
L-201, Rev A	Detail plan 01 - proposed landscape design	Oculus	21.11.2018	D07568897
L-202, Rev B	Detail plan 02 - proposed landscape design	Oculus	10.07.2019	D07568897
L-203, Rev A	Detail plan 03 - proposed landscape design	Oculus	21.11.2018	D07568897
L-204, Rev A	Detail plan 04 - proposed landscape design	Oculus	21.11.2018	D07568897
L-301, Rev A	Indicative section & elevation carpark level	Oculus	21.11.2018	D07568897
L-302, Rev A	Indicative sections ground floor	Oculus	21.11.2018	D07568897
L-303, Rev A	Indicative section through terrace & existing tree	Oculus	21.11.2018	D07568897
L-304, Rev A	Indicative section roof terrace	Oculus	21.11.2018	D07568897
L-401, Rev A	Detail plan 01 - proposed planting plan	Oculus	21.11.2018	D07568897
L-402, Rev B	Detail plan 02 - proposed planting plan	Oculus	10.07.2019	D07568897
L-403, Rev A	Detail plan 03 - proposed planting plan	Oculus	21.11.2018	D07568897
L-404, Rev A	Detail plan 04 - proposed planting plan	Oculus	21.11.2018	D07568897
L-501, Rev A	Indicative material palette	Oculus	21.11.2018	D07568897
L-502, Rev A	Planting palette & indicative plant schedule	Oculus	21.11.2018	D07568897

<b>Plan No.</b>	<b>Plan Title</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Council Reference</b>
L-503, Rev A	Planting palette & indicative plant schedule	Oculus	21.11.2018	D07568897
L-504, Rev A	Indicative maintenance specification	Oculus	21.11.2018	D07568897

*Supporting Documentation:*

<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>	<b>Council Reference</b>
Survey Plans Sheets 1-6 Rev C	LTS	5.8.2018	D07568903
Operational Plan of Management Ref: 17074	Ethos Urban	22.11.2018	D07568892
skc001 Erosion & sediment plan and details, P2	Taylor Thomson Whittling	20.11.2018	D07568885
skc002 Stormwater concept design, P4	Taylor Thomson Whittling	20.11.2018	D07568885
skc003 Catchment plan, P2	Taylor Thomson Whittling	22.11.2018	D07568885
skc004 Details sheet, P2	Taylor Thomson Whittling	22.11.2018	D07568885
skc005 OSD tank detail sheet, P2	Taylor Thomson Whittling	22.11.2018	D07568885
Waste management Strategy Rev.1	Foresight Environmental	21.11.2018	D07568873
Acoustic Assessment Report No. 18120 Ver. B	Wilkinson Murray	November 2018	D07568877
Amended Acoustic Assessment Report No. 18120 Ver. C	Wilkinson Murray	April 2019	D07660831
Arboricultural Assessment Report	Earthscape Horticultural Services	November 2018	D07568879
BCA Assessment Report Project No. 180226	Blackett Maguire + Goldsmith	21.11.2018	D07568881
Traffic Impact Assessment Report Ref: 0731r01v1	Ason Group	21.11.2018	D07568904
Additional Traffic letter Ref: 0731l01	Ason Group	14.02.2019	D07613498



<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>	<b>Council Reference</b>
ELC Parking Strategy	AJ+C	4.07.2019	D07710844
Access Review Report Issue 1	Funktion	29.10.18	D07568876
Preliminary Site Investigation Ref: E31772KLrpt	EIS	24.10.2018	D07568898
Drop-Off Carpark	AJ+C	14.02.2019	D07613488

## **2. Appointment of a Project Arborist**

- a) A project arborist with AQF Level 5 qualifications must be appointed to provide monitoring and certification throughout the construction period.
- b) Details of the appointed project arborist must be submitted to Council and the PCA for registration with the application for the construction certificate.
- c) Proposed inspection schedule to assess tree health and provide certification for the various stages of development such as site establishment (includes demolition and installation of tree protection measures), construction work, hard and soft landscaping practical completion and occupancy certification.

## **3. Removal of Trees**

- a) This development consent permits the removal of trees numbered T86d, T91, T100, T101, T102 and T103 as identified in Appendix 3 contained in the Aboricultural Impact Assessment submitted by Earthscape Horticultural Services dated November 2018.
- b) No consent is granted for the removal of tree(s) numbered T12, T13, T86a, T86b, T86c, T86, T87, T87a, T88, T89, T89a, T90, T92, T93, T94, T95, T96, T97m T103, T104, T107 and T107b as these trees contribute to the established landscape amenity of the area and streetscape.

*Note: 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).*

## **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) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

## **5. Section 7.12 Development Contributions**

- a) In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 94A Development Contributions Plan 2014-2024*, \$67,894.40 must be paid to Council to cater for the increased demand for

community infrastructure resulting from the development, based on development costs of \$6,789.441.

- b) The value of this contribution is current as at 7 August 2019. 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:

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

Where:

\$CPY is the amount of the contribution at the date of Payment

\$CDC is the amount of the contribution as set out in this Development Consent

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

CPIDC 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](http://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. 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"**

### 7. 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) Design levels at the front boundary must be obtained from Council via a separate Application to Council for a Vehicular Crossing;
- b) Any redundant crossings must be replaced with integral kerb and gutter;
- c) The footway area must be restored by turfing;

*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.*

#### **8. Internal Driveway/Vehicular Areas/**

The driveway and parking areas on site must be designed, constructed and a Construction Certificate issued in accordance with *Australian Standards AS2890.1, AS3727* and the following requirements:

- a) Design levels at the front boundary shall be obtained from Council;
- b) The driveway shall be designed and constructed as a rigid pavement;
- c) The driveway pavement shall be designed by the civil or structural Engineer;
- d) The pavement have a kerb constructed with provision for drainage and connection to the internal drainage system;

#### **9. Footpath**

A concrete footpath must be designed across the Mount Pleasant frontage of the subject site in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) Pouring of the concrete footpath to the frontage of Mount Pleasant Avenue in the location nominated in the approved site plan, prepared by AJ+C, revision 9, dated 11/07/2019.
- b) The land adjoining the footpath to be fully turfed; and
- c) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

#### **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 65 cubic metres, and a maximum discharge (when full) of 80 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;

- d) Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs must be installed; and
- e) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

#### **11. Stormwater Drainage**

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

- a) Connected to Council's street drainage system.

#### **12. Education and Care Services National Regulations**

Documentation must be prepared by a registered architect and submitted with the Construction Certificate to certify that the proposed development complies with the requirements of Part 4.3 Physical Environment of the Education and Care Services National Regulations.

#### **13. Fire Safety Schedule**

A schedule of all proposed essential fire safety measures to be installed in the building (e.g. hydrants, hose reels, emergency warning systems etc.) shall be submitted with the Construction Certificate application.

#### **14. Building Code of Australia**

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

#### **15. Accessibility**

A suitably qualified accessibility consultant must provide certification to the PCA that the Construction Certificate plans have incorporated the design recommendations within the accessibility report prepared by 'Funktion' dated 29.10.2018 on pages 11 to 15.

#### **16. Dilapidation Report**

To record the structural condition of Lot D DP 36627 (No. 4 Mount Pleasant Avenue, Normanhurst) which adjoins the approved development, a dilapidation report must be prepared by a suitably qualified structural engineer for inclusion with the application of the Construction Certificate.

#### **17. 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.

*Note: Building plan approvals can be obtained online via Sydney Water Tap in™ through [www.sydneywater.com.au](http://www.sydneywater.com.au) under the Building and Development tab.*



**18. Water Saving Urban Design**

Stormwater discharging from the development site is to be treated to achieve the quality specified in Council's Development Control Plan 2013 (table 1C.1.2(b) Urban Stormwater Quality Targets) or utilise one of the deemed to comply solutions. A MUSIC model and Hornsby Shire Council Music-link report are to be submitted for Council's endorsement prior to issue of a construction certificate. Council's parameters are to be used in the model.

**19. No right turn onto Pennant Hills Road**

The Applicant is to install full time 'No Right Turn' signage at the intersection of Mount Pleasant Avenue and Pennant Hills Road prior to the release of the Construction Certificate. A Traffic Management Plan (TMP) detailing the no right turn restrictions must be submitted to the RMS and Council's Local Traffic Committee for approval, prior to installation of the signage.

**20. Construction Management Plan (CMP)**

To assist in the protection of the public, the environment and Council's assets, a separate Construction Management Plan must be prepared by a suitably qualified environmental consultant in consultation with a qualified traffic engineer and AQF 5 arborist, and submitted to Council's Compliance Team at [compliance@hornsby.nsw.gov.au](mailto:compliance@hornsby.nsw.gov.au) for review and approval according to the following requirements:

- e) The CMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.
- f) A Construction Traffic Management Plan (CTMP) including the following:
  - i) 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.
  - ii) The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.
  - iii) In order to prevent injury, accident and loss of property, a statement must be included within the Plan confirming that 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.
  - iv) The Plan shall be in compliance with the requirements of the Roads and Maritime Services *Traffic control at work sites Manual 2018* and detail:
    - a. Public notification of proposed works;
    - b. Long term signage requirements;
    - c. Short term (during actual works) signage;
    - d. Vehicle Movement Plans, where applicable;
    - e. Traffic Management Plans;
    - f. Pedestrian and Cyclist access and safety.

- v) 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.
- vi) A plan showing site sheds, concrete pump and crane locations for all stages of works.
- vii) Details of parking arrangements for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or stopping of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.
- viii) Confirmation that a street 'scrub and dry' service will be in operation during all stages of works.
- ix) The plan shall include the proposed truck routes to and from the site including details of the frequency of truck movements for all stages of the development;
- x) The plan shall include swept path analysis for ingress and egress of the site for all stages of works.
- xi) The plan shall include site plans for all stages of works including the location of site sheds, unloading and loading areas, waste and storage areas being used.
- xii) The plan shall include the total volume of fill to be imported to the subject site throughout all stages to achieve approved levels.
- xiii) The plan shall include the total volume of fill to be exported at the subject property throughout all stages.
- xiv) The plan shall include the total quantity and size of trucks for all importation and exportation of fill on site throughout all stages of works, and a breakdown of total quantities of trucks for each stage of works.
- xv) The plan shall include the number of total truck movements to and from the site for each stage of works.
- xvi) The plan shall include the number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.
- xvii) The plan shall include the maximum number of trucks travelling to and from the site on any given day for each stage of works.
- xviii) The plan shall include the maximum number of truck movements on any given day during peak commuting periods for all stages of works.
- xix) The plan must include but not be limited to the location details of the licensed waste facility where excavated material required for removal will be disposed to.
- xx) The plan must include the location details of the source site of any proposed fill to be imported for all stages of works.



- xxi) The Plan must state that 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.
  - xxii) If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
- g) A Construction Waste Management Plan detailing the following:
- i) Details of the importation or excavation of soil and fill, the classification of the fill, disposal methods and authorised disposal depots that will be used for the fill.
  - ii) Asbestos management requirement and procedures for removal and disposal from the site in accordance with *AS 2601–2001 – ‘The Demolition of Structures’*, and the *Protection of the Environment Operations (Waste) Regulation 2005*.
  - iii) General construction waste details including construction waste skip bin locations and litter management for workers.
- d) A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist in accordance with any Arboricultural Impact Assessment and tree location plans submitted as part of the Development Application, detailing the following:
- i) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and specific details of tree protection measures inclusive of distances (in metres) measured from tree trunks.
  - ii) Construction methodology to avoid damage to trees proposed to be retained during construction works.
  - iii) Specifications on tree protection materials used and methods within the TPZ or SRZ.
  - iv) Location of dedicated material storage space on site outside of TPZ’s and SRZ’s for retained trees.
- e) A Construction Noise and Vibration Management Plan (CNMP) which includes:
- i) Existing noise and vibration levels within the proximity of the proposed development site.
  - ii) Details of the extent of rock breaking or rock sawing works forming part of the proposed development works.
  - iii) The maximum level of noise and vibration predicted to be emitted during each stage of construction.
  - iv) The duration of each stage of works where the maximum level of noise and vibration are predicted to be emitted for.
  - v) Details of mitigation measures that will meet acoustic standards and guidelines at each stage of works.

- vi) Details of a complaints handling process for the surrounding neighbourhood for each stage of works.
- f) Management of stormwater disposal from proposed detention basins or basements throughout all development phases in accordance with the ANZECC Guidelines trigger values for the area.
- g) Sediment and erosion control measures in accordance with the *Soils and Construction 2004 (Bluebook)*.
- h) Air quality management on site, including dust suppression measures during demolition and construction.
- i) Details on the general operating procedures to manage environmental risk throughout all stages of works on the site.
- j) To ensure Council assets are maintained throughout the development, a detailed survey plan is to be included, detailing existing survey marks, vehicle entry, surrounding pedestrian footpaths and hoarding (fencing) locations.

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS</b>
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**21. Installation of Tree Protection Fencing**

- a) All tree protection measures for the ground, trunk and canopy installed by the project arborist must be in accordance with *Australian Standard AS 4970-2009 - "Protection of Trees on Development Sites"*.
- b) The location of tree protection fencing for trees numbered T86a, T86B, T86c, T89, T89a, T90, T97 and T104 must be in accordance with the nominated 'tree protection plan' indicated on Sheet 5, Appendix 6, prepared by Earthscape Horticultural Services dated November 2018.
- c) The protection fencing must have shade cloth or similar attached to reduce transport of dust, particulates and liquids from entering the tree protection zone.
- d) Tree Protection fencing must have identifying signs attached, with the lettering complying with *Australian Standard AS 1319*.
- e) All installation of tree protection fencing must be supervised and certified by the project arborist.

**22. Tree Protection Zone - Ground Protection**

- a) The tree protection zones of all trees to be retained on the subject site must have a layer of wood-chip mulch at a depth of between 150mm and 300mm in accordance with the relevant requirements of *Australian Standard AS 4454 - "Composts, Soil Conditioners and Mulches"* installed prior to works commencing.
- b) Where fencing cannot be installed inside the TPZ, the wood-chip must be covered with a layer of geotextile fabric and rumble boards to allow for small plant movement and/or placement of storage of material.

**23. Protection Certification**

To ensure that all tree protection measures are correctly installed, a certificate from the appointed project arborist must be submitted to the Principal Certifying Authority confirming compliance with the tree protection requirements of this consent.

**24. 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.

**25. 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.
- d) Have been identified as requiring a temporary hoarding, fence or awning within the Council approved Construction Management Plan (CMP).

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

**26. 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*.

## **27. 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.*

## **REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION**

## **28. 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.

## **29. 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.

## **30. Demolition**

To protect the surrounding environment, all demolition work must be carried out in accordance with *Australian Standard AS2601-2001 – 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; and
- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *SafeWork NSW* in accordance with the *Work Health and Safety Regulation 2017* and be appropriately transported and disposed of in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*; and
- c) On construction sites where any building contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.
- d) Should the presence of asbestos or soil contamination, not recognised during the application process be identified during any stage of works, the applicant must immediately notify the PCA and Council.

## **31. Environmental Management**

To prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction, 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.*

### **32. Council Property**

To ensure that the public reserve is kept in a clean, tidy and safe condition during construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

*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.*

### **33. Disturbance of Existing Site**

During construction works, the existing ground levels of open space areas and natural landscape features, including natural rock-outcrops, vegetation, soil and watercourses must not be altered unless otherwise nominated on the approved plans.

### **34. Landfill**

Landfill must be constructed in accordance with Council's '*Construction Specification 2005*' and the following requirements:

- a) As indicated in the approved Waste Management Plan, concrete obtained from the demolition of the existing buildings is to be reused as fill on-site.
- b) Prior to additional fill material being imported to the site, a certificate shall be obtained from a suitably qualified environmental consultant confirming the fill wholly consists of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.
- c) A compaction certificate is to be obtained from a suitably qualified geotechnical engineer verifying that the specified compaction requirements have been met.
- d) These certificates must be included with the application for an occupation certificate.

### **35. 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* and *Protection of the Environment Operations (Waste) Regulation 2014* 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.

### **36. 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 levels are in accordance with the approved plans.

### **37. Prohibited Actions Within the Tree Protection Zone**

In accordance with *Australian Standard AS 4970-2009*, the following is prohibited within the fenced area of the TPZ for all trees to be retained:

- a) Stockpiling storage or mixing of materials,
- b) The parking, storing, washing and repairing of tools, equipment and machinery,
- c) The disposal of liquids and refuelling,
- d) The disposal of building materials,
- e) The siting of offices or sheds, and
- f) Any action leading to the impact on tree health or structure.

### **38. Works Near Trees**

- a) To maintain tree health and condition for trees numbered T12, T13, T86a, T86b, T86c, T86, T87, T87a, T88, T89, T89a, T90, T92, T93, T94, T95, T96, T97m, T103, T104 and T107 on the approved plans, the appointed project arborist must monitor and record any and all necessary remedial actions required.
- b) The maintenance and monitoring of all tree protection techniques must be recorded by the appointed project arborist during the period of construction for submission with the application for the Occupation Certificate.

### **39. Maintaining Tree Protections Zones**

The Tree Protection Zones must be maintained by the project arborist in accordance with section 4.6 requirements of *Australian Standard AS 4970-2009* - "*Protection of Trees on Development Sites*"

### **40. Works Within Tree Protection Zones**

- a) All root pruning must be undertaken in accordance with the relevant requirements of *Australian Standard AS 4970-2009* "*Protection of Trees on Development Sites*" - Sections 3.3.4, 4.5.4 and 4.5.5.
- b) Any necessary excavations within the Tree Protection Zone of trees numbered T97 and T104 on the approved plans not associated with installation of services must be undertaken manually as prescribed in the *Australian Standard AS 4970-2009* – "*Protection of Trees on Development Sites*" Section 4.5.5.
- c) To minimise impacts within the Tree Protection Zone (TPZ) of trees numbered T104 on the approved plans the installation of services must be undertaken as follows:
  - i) The project arborist must monitor the installation of any underground services which enter or transect the tree protection zone of trees numbered T104.
  - ii) The installation of any underground services which either enter or transect the designated TPZ must utilise sensitive methods such as directional drilling.

OR

- iii) The installation of any underground services which either enter or transect the designated TPZ must utilise sensitive methods such as manual excavation.
- iv) For manual excavation of trenches the project arborist must advise on roots to be retained. Manual excavation may include the use of pneumatic and hydraulic tools. Refer Clause 4.5.3.

#### **41. 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.

#### **42. Works Near Trees Certification**

- a) The project arborist must submit to the principal certifying authority a certificate that all works have been carried out in compliance with the approved plans and conditions or specifications for tree protection.
- b) Certification should include a statement of site attendance, the condition of retained trees, details of any deviations from the approved tree protection measures and their impacts on trees.

*Note: Copies of monitoring documentation may be required by the PCA and/or Council.*

#### **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.*

#### **43. Automated watering system**

An automated watering system must be installed within the subject site to provide irrigation to all landscaping required under this consent.

#### **44. 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. Such a certificate must include the name, qualifications and contact details of the author of the certificate.

*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).*

#### **45. 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.



**46. Survey Infrastructure**

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 certifying that the necessary re-establishment of any damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No. 11 – "Preservation of Survey Infrastructure".

**47. Creation of Easements**

The following matter(s) must be nominated on the title under s88 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.*

**48. Consolidated Lots**

All allotments including Lot C DP 366271, Lot B DP 366271, Lot 1 DP 1218765, and the northern portion of Lot 2 DP 2118765 as outlined within the blue dashed line on Proposed Lot Consolidation Plan SK190723 must be consolidated into one lot or consolidated into the Loreto Normanhurst School site Lot 3 DP 1217496.

**49. Restriction as to User**

To ensure that a minimum of 20 car spaces are provided for the use of the Early Learning Child Care centre, the following matters must be nominated on the plan of subdivision under Section 88B of the *Conveyancing Act 1919*:

- a) The creation of a "Restriction as to user" over the proposed consolidated allotment restricting the sale of the Early Learning Child care centre to any business or entity other than the operator of Loreto Normanhurst,
- b) Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

**50. Easements**

An easement be created over Lot 3 DP 1217496 (Loreto Convent) to provide a minimum of 10 car parking spaces for the use of the early child care centre.

**51. Lapped and Capped Boundary Fence**

To improve acoustic treatment to adjacent properties, the existing dilapidated 1.8m timber fence along the northern side boundary is to be replaced with a 1.8m high 'lapped and capped' timber fence.

**52. External Lighting**

- a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.
- b) Certification of compliance with this Standard must be obtained from a suitably qualified person and submitted to the PCA with the application for the Construction Certificate.

**53. Food Premises**

- a) A food premises notification form must be submitted to Council prior to the commencement of operation.

*Note: Hornsby Shire Council's Food Premises notification form can be found at <http://www.hornsby.nsw.gov.au>*

- b) The fit out and operation of that part of the building to be used for the preparation of food must be in accordance with *Australian Standard 4674-2004 – Design and fit out of food premises*, the *Food Act 2003*, *Food Regulation 2015* 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.*

- c) Prior to the commencement of the child care centre, the operator is requested to contact Council's Compliance & Certification Team to arrange an inspection for compliance against the relevant legislation and guidelines outlined in this approval. Contact Council's Administration Officer on 9847 6784.
- d) 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*.

**54. Outdoor Play Area**

The outdoor play space must be adequately shaded in accordance with *The Shade Handbook*, published by the New South Wales Cancer Council in 2008.

**55. Fire Safety Statement – Final**

In accordance with the *Environmental Planning & Assessment Regulation 2000*, upon completion of the building, the owner must provide Council with a certificate in relation to each fire safety measure implemented in the building.

**56. Final Certification**

- a) The AQF 5 Project arborist must submit to the principal certifying authority a certificate that states the following:

- i) All the tree protection requirements comply with the tree protection plan
- ii) All completed works have been carried out in compliance with the conditions of consent and approved plans.
- iii) Dates and times and reasons for site attendance.
- iv) The post development condition of the health for the retained trees.
- v) Details necessary work to maintain tree health.
- vi) Details of tree protection zone maintenance.
- vii) Tree replacements meet NATSPEC guidelines and the approved landscape plan.

*Note: Copies of monitoring documentation may be requested throughout DA process.*

#### **57. 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 Development Control Plan 2013, Section 1C.1.2.

### **OPERATIONAL CONDITIONS**

#### **58. Traffic and Parking Operational Analysis**

The Applicant is to conduct a traffic flow and safety review of the intersection of Mount Pleasant Avenue and Pennant Hills Road after the first 6 months of operation of the ELC. This document must be submitted to devmail@hornsby.nsw.gov.au and addressed to Council's Traffic Branch.

#### **59. Car Parking**

- a) 20 on-site car parking spaces must be provided and allocated to the Early Child Care Centre at all times.
- a) The approved Operational Traffic Management Plan is to be implemented for the operation of the ELC facility. Should changes be required to the operational traffic management plan due to construction or relocation of the Loreto school's car park area in the future, an update of the plan should be submitted to Council to review.
- b) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted.
- c) All vehicular entry on to the site and egress from the site shall be made in a forward direction.
- d) All parking for people with disabilities is to comply with AS/NZS 2890.6:2009 Off-street parking for people with disabilities.

#### **60. Operational Noise Requirements**

- a) The child care centre must be managed in accordance with the recommendations of the plan of management prepared by Ethos Urban as follows:

- i) Erection and maintenance of signs to indicate that centre staff and parents must talk quietly in the outdoor play area; and doors must not be slammed. These signs must be placed at all entry points to the outdoor play area as well as in the outdoor play area;
- ii) Music must only be played indoors quietly;
- iii) Educators at all times must ensure the following:
  - a. supervise children;
  - b. speak to children and other staff quietly when outdoors;
  - c. engage children in outdoor play activities to keep their attention focused;
  - d. ask parents who are talking too loudly to speak more quietly;
  - e. resolve children's conflicts face to face rather than shouting across the play area;
  - f. direct children screaming or yelling to quieter play;
  - g. comfort babies who are crying outdoors, and if the crying continues take the child indoors.
- b) Any complaints regarding the operation of the facility must be directed to the manager of the business and a log book of the date and time of the complaint, complainants must be advised within 48 hours of what, if any, actions have been undertaken as a result of reviewing the complaint, contact details of the person making the complaint and the nature of the complaint must be documented. This logbook must be readily available to Council and:
- c) Contact details must be provided on a website or alternatively all adjoining properties must be notified in writing of relevant contact details of the manager of the Child care establishment.

#### **61. Use of Premises**

- a) The development approved under this consent shall be used for 'child care centre' and not for any other purpose without Council's separate written consent.
- b) The child care centre shall accommodate a maximum of 80 children.
- c) The hours of operation of the 'child care centre' are restricted to those times listed below:

Monday to Friday	7:00am to 6:00pm
Saturday, Sunday and Public Holidays	Closed

#### **62. Waste Management**

The waste management on site must be in accordance with the following 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) All commercial tenant(s) must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.
- c) All bins must be returned to the on-site bin storage area promptly after waste and recycling collection services.
- d) A Work, Health & Safety (WHS) risk assessment is to be carried out by a suitably qualified person with qualifications in Work, Health & Safety Legislation with specific regard to waste management. The recommendations of the WHS Risk Assessment are to be implemented as required.

#### **63. 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' certifying each essential service installed in the building.

#### **64. Evacuation and Emergency Management**

Arrangements for emergency and evacuation are to comply with Regulations 97 and 168 of the Education and Care Services National Regulations.

#### **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 4.17 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**

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 the Hornsby Development Control Plan 2013.*

### **Disability Discrimination Act 1992**

The applicant's attention is drawn to the existence of the *Disability Discrimination Act 1992*. 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 1992*. 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](http://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.

### **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 *SafeWork 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.adfa.org.au](http://www.adfa.org.au)

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

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

### **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 6014.*

### **Food Premises**

The following facilities are required in the food preparation area to ensure food handler hygiene and the cleaning and sanitising of food contact utensils:

1. A hand wash basin and a double bowl sink or
2. A hand wash basin, washing up sink and a dishwasher.